

Unconfirmed copy of Minutes of
Meeting held on 8 December 2017
subject to confirmation at meeting to be
held on 2 February 2018



EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 8 DECEMBER, 2017.

Allen Cooper
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: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:02 AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie	Shire President
Cr Michael Kitchin	Councillor
Cr Anthony Middleton	Councillor
Cr Carol Williams	Councillor
Cr Lang Coppin OAM	Councillor
Cr Anita Grace	Councillor
Cr Bidy Schill	Councillor
Cr Craig Hoyer	Councillor
Cr Gerry Parsons	Councillor
Cr Dean Hatwell	Councillor

Officers

Mr Allen Cooper	Chief Executive Officer
Ms Sian Appleton	Deputy Chief Executive Officer
Mr Rick Miller	Director Technical and Development Services
Mr Grant Watson	Coordinator Executive Services

Public Gallery

Ms Yvonne Mkandara	Kanyirninpa Jukurrpa
Mr Tim Schneider	Kanyirninpa Jukurrpa, Manager Leadership Program
Ms Annabelle Landy	Kanyirninpa Jukurrpa, Martu Member of the Leadership Group
Mr Fabian Larry	Kanyirninpa Jukurrpa, Martu Member of the Leadership Group
Ms Vivianne Landay	Kanyirninpa Jukurrpa, Martu Member of the Leadership Group
Mr Billy Landy	Kanyirninpa Jukurrpa, Martu Member of the Leadership Group
Mr Tony Noonan	Codeswitch/EY
Mr Chris Raykos	Mainroads WA
Mr Kobus Wessels	Mainroads WA
Ms Skye Miller	Mainroads WA
Ms Rebecca Greenaway	Mainroads WA
Mr Nathan Kemp	Newman Vets Football Club
Ms Taylar Amonini	Northwest Telegraph
Mrs Sue Michoff	BHP
Mr Hendrik Malan	BHP

2.2 APOLOGIES

Councillor Apologies

Cr Jeton Ahmed

Deputy Shire President

Officer Apologies

Mrs Sheryl Pobrica

Executive Services Administration Officer

2.3 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 NEWMAN HOSPITAL

Mr Nathan Kemp, a Newman resident and the President of the Newman Vets Football Club, asked is the Shire aware of the staffing issues at the Newman Hospital, and are we able to help?

- Short Staff
- Short Term

The Shire President, Cr Lynne Craigie replied she is having a meeting with the Minister for Health, Hon Roger Cook and will raise the issues.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 MARTU LEADERSHIP PROGRAM

The Martu Leadership Program presented to Council by Kanyirninpa Jukurrpa (KJ), Mr Tim Schneider, Manager Leadership Program and Mr Billy Landy, by Martu members of the Leadership Group.

Shire President, Lynne Craigie thanked KJs for the presentation.

10:57 AM *Kanyirninpa Jukurrpa Members, Mr T Schneider, Ms Y Mkandara, Ms A Landy, Mr F Larry, Ms V Landy and Mr B Landy left the Chambers.*

11:00 AM *Cr Michael Kitchin left the Chambers*

11:02 AM *Cr Michael Kitchin returned to the Chambers*

11:12 AM *Cr Carol Williams left the Chambers.*

11:16 AM *Cr Carol Williams returned to the Chambers*

11:16 AM *Cr Gerry Parsons left the Chambers.*

11:18 AM *Cr Gerry Parsons returned to the Chambers*

11:18 AM *Cr Anita Grace left the Chambers.*

5.2 LOCAL BUSINESS SUPPLIERS

Mr Tony Noonan, is managing the business support program for BHP provided a presentation to Council with information for local businesses in the Pilbara, how to become a supplier for goods and services with BHP.

Shire President, Lynne Craigie thanked Mr Noonan for his presentation.

11:18 AM *Mr Tony Noonan left the Chambers*
11:20 AM *Cr Anita Grace returned to the Chambers*
11:20 AM *Ms Sian Appleton left the Chambers*
11:24 AM *Ms Sian Appleton returned to the Chambers*
11:41 AM *Cr Carol Williams left the Chambers*
11:42 AM *Cr Carol Williams returned to the Chambers*

5.3 MAINROADS WA – COONGAN GORGE PROJECT

Mr Chris Raykos, Project Director and Ms Rebecca Greenaway, Project Manager, Mainroads Western Australian, Pilbara Regional Office provided a presentation on the Coongan Gorge Realignment Project.

Shire President, Lynne Craigie thanked the Main Roads WA – Pilbara for the presentation

11:51 AM *Mainroads representatives Mr C Raykos, Ms R Greenaway, Mr K Wessels and Ms S Miller left the Chambers*
11:51 AM *Mr Rick Miller left the Chambers*
11:53 AM *Cr Carol Williams left the Chambers*
12:00 PM *Mr Rick Miller returned to the Chambers*
12:03 PM *Cr Carol Williams returned to the Chambers*

5.4 KURRA VILLAGE CLOSE

BHP representative Mr Hendrick Malan provided an update on the Kurra Village Closure and also discussed Kalgan's Rest and Whaleback Village Works progress.

Shire President, Lynne Craigie thanked Mr Malan for the presentation

12:00 PM *BHP Representatives Mr H Malan and Ms S Michoff left the Chambers*
12:00 PM *Mr Nathan Kemp left the Chambers*

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES 27 OCTOBER 2017

[Minutes October 27 2017 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/86

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchin

THAT the minutes of the Ordinary Meeting of Council held on 27 October 2017, be confirmed as a true and correct record of proceedings.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

7.2 PRC MINUTES 31 OCTOBER 2017

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/87

MOVED: Cr Anita Grace

SECONDED: Cr Lang Coppin OAM

[Minutes PRC October 31 2017 Council](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Pilbara Regional Council (PRC) Ordinary Meeting of Council held on 31 October 2017, be received.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Gerry Parsons attended:

- Parnawarri Official Opening
- Audit Committee Meeting 30/11/2017
- Recreation Centre Management Committee Meeting
- Meeting with Shire President Craigie & Councillors Grace, Hoyer & Ahmedi regarding potential new CEO.
- Remembrance Day Laid Wreath for Shire
- Newman NCCI
- NCCI Business After hours & Christmas Party
- Official Opening of Martumili Christmas Sale
- Pilbara Development Commission Meeting Perth

Cr Craig Hoyer attended:

- Parnawarri Shopping Centre Opening
- Meeting with Shire President Craigie & Councillors Grace, Parsons & Ahmedi regarding potential new CEO.
- Meeting with the potential new CEO
- Remembrance Day Ceremony
- Thank a Volunteer Day Awards 05/12/2017

Cr Anita Grace attended:

- Pilbara Regional Council Meeting Perth 31/10/2017
- Pilbara Regional Council Meeting Perth 5/12/2017
- Meeting with Shire President Craigie & Councillors Parsons, Hoyer & Ahmedi, regarding potential new CEO
- Audit Committee Meeting 30/11/2017
- AAA Conference 2017 – Adelaide 12-16/11/2017
- Newman Women's Shelter Meeting
- Newman Christmas Carols
- Men's Wellbeing Healing Conference
- Liquor Accord Meeting
- Parnawarri Shopping Centre Opening

- Opening Filipino Event

Cr Michael Kitchin attended:

- St Georges Cathedral Service 26/11/2017
- WALGA Training CEO Performance Appraisal
- AAA Conference 2017 – Adelaide 12-16/11/2017
- Selection Panel for the potential new CEO
- Marble Bar School Concert 06/12/2017
- Newman Visitors Centre AGM meeting 07/12/2017

Cr Dean Hatwell attended:

- LEMC Meeting Marble Bar
- Marble Bar School Concert 06/12/2017
- Marble Bar CRC Meeting
- Lighting of the Christmas Tree Marble Bar

Cr Lang Coppin attended:

- LEMC Meeting Marble Bar

Cr Biddy Schill attended:

- Lighting of the Christmas Tree 05/12/2017
- Newman Visitors Centre AGM meeting 07/12/2017
- Appointed to the Board of the Newman Visitor Centre 07/12/2017

Cr Anthony Middleton attended:

- Audit Committee Meeting

Cr Lynne Craigie attended:

- Meeting with Councillors Grace, Parsons, Ahmedi & Hoyer regarding potential new CEO
- Meeting with the potential new CEO, Newman
- Pilbara Regional Council Meetings 31/10 & 05/12/2017
- Pilbara Regional Council Meeting with CEO
- GWN Interview
- Interviewing Process for new CEO
- Parnawarri Shopping Centre Opening
- ALGA Board Meeting Albany
- National Roads Congress Albany
- Meeting with Minister Templeman
- New Councillor Seminar
- LGISWA Board Meeting
- Horizon Power Board Meeting
- ABC Interviews
- RDA Pilbara Board Meeting
- St Georges Cathedral Service 26/11/2017

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - OCTOBER 2017

File Ref:	CLR-4-5
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Sheryl Pobrica Executive Services Administration Officer
Proposed Meeting Date:	08 December 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION: 201718/88

MOVED: Cr Michael Kitchin

SECONDED: Cr Gerry Parsons

THAT the Chief Executive Officer “Status of Council Decisions” Report for the month of October 2017 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
25 August 2017	12.1.2	AVIAIR PILBARA-RPT AIR SERVICE MOU	CEO	Discussed via PRC	On Going
22 September 2017	13.5	DESERT ROAD TRAIL SITES Cr Lang Coppin asked if a letter could be written to the mining companies in the Shire of East Pilbara region for sponsoring the Desert Road Trail whether it is to donate towards signage on the Trail especially Newcrest, Nifty, Woodie Woodie where the trail is close to their mining site. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	Letter sent awaiting on response	Dec 2017
22 September 2017	13.6	SPONSORSHIP FOR COMMUNITY AREAS Cr Lang Coppin asked if a letter could be written to the mining companies within the Shire of East Pilbara for	CEO	The Executive Team met with Millennium / Roy Hill – awaiting further response. No other	Dec 2017

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>sponsorship e.g. Rio Tinto, Millennium, FMG, Roy Hill, e.g. Marble Bar Skate Park, Marble Bar Golf Course, shade over community facilities, Nullagine. Mr Allen Cooper, Chief Executive Officer to follow up.</p>		<p>responses received.</p>	
22 September 2017	13.7	<p>MARBLE BAR ROAD Cr Shane Carter asked if a letter could be written again to the Minister for Transport regarding the sealing program for the Marble Bar Road. Mr Allen Cooper, Chief Executive Officer to follow up.</p>	CEO	<p>Letter received from the office of the Minister for Transport noting the Coongan Gorge Realignment project. No further funding allocated in the 2017/18 budget. Funding for further upgrades to be sought as part of future budgetary processes.</p>	Dec 2017

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

**9.1.2 AFFIXING COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
COMMUNITY WELLBEING**

File Ref: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To note the approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Community Wellbeing.

BACKGROUND

The employment contract of Mr Philip (Pip) Parsonson, Manager Community Wellbeing has been extended by a two (2) years term; from 2nd February 2018 – 1st February 2020.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual 2017-2018
4.5 Execution of Documents

EXECUTION OF DOCUMENTS

Minute No: Item 9.2.4
Date 9th December 2016

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/89

MOVED: Cr Anita Grace

SECONDED: Cr Craig Hoyer

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Philip (Pip) Parsonson for a further two (2) year term, from 2nd February 2018 to 1st February 2020.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr David Kular, Manager Human Resources

**9.1.3 AFFIXING OF COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER TECHNICAL SERVICES - NEWMAN**

File Ref: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To note the approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Technical Services – Newman.

BACKGROUND

The employment contract of Mr Bhavesh Modi, Manager Technical Services - Newman has been extended by a two (2) year term; from 11th November 2017 – 10 November 2019.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual 2017-2018
4.5 Execution of Documents

EXECUTION OF DOCUMENTS

Minute No: Item 9.2.4
Date 9th December 2016

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/90

MOVED: Cr Anita Grace

SECONDED: Cr Craig Hoyer

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Bhavesh Modi, Manager Technical Services – Newman for a further two (2) year term, from 11 November 2017 – 10th November 2019.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr David Kular, Manager Human Resources

9.1.4 ALTERNATIVE QUEEN'S BIRTHDAY PUBLIC HOLIDAY 2018

File Ref: CSV-14-7
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2018 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) will be observed in 2018 on **Monday 24 September**.

Local Governments may request that the public holiday be celebrated on an alternative date of significance within their districts, in lieu of the date proclaimed as the public holiday for the rest of the state.

Local governments interested in having an alternative date declared for the Queen's Birthday public holiday in 2018 should provide a written request which:

- a) the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- b) the reason/s for the alternative date and the consultation proves undertaken.

The written requests should be submitted no later than **Friday 1 December 2017** to:

Ms Christina Eftos
Private Sector Directorate, Labour Relations
Department of Mines, Industry Regulation and Safety
Locked Bag 14
CLOISTERS SQUARE WA 6850
Email Christina.eftos@dmirs.wa.gov.au

COMMENTS/OPTIONS/DISCUSSIONS

Annual Marble Bar Race weekend for Marble Bar and Nullagine, and the Monday of the Fortescue Festival weekend in Newman.

The dates for the events in 2018 have been set as;

- Monday 9th July 2018 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2018 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Private Sector Directorate, Labour Relations Department of Mines, Industry Regulation and Safety for gazettal.

The basis of this resolution is as follows;

Traditionally the Queen's Birthday holiday has been set on the Monday of the annual Marble Bar Race weekend for Marble Bar and Nullagine, and the Monday of the Fortescue Festival weekend that includes a race day for Newman.

The Marble Bar Race Club Inc and the Newman Lions Club have requested these dates remain as a long weekend with a public holiday on the Monday.

Council *Policy* supports/recognises Events of Community interest which includes;

Newman

Lions Fortescue Festival 3rd Sunday in August.

Lions Fortescue Festival Ball

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

8. *Power of Governor to alter day appointed for a public holiday or bank holiday*

- (1) *The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*

(2) *A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

(3) *Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

Shire of East Pilbara Events Strategy 2015

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

The Shire of East Pilbara seeks to foster harmonious communities that acknowledge a shared heritage; develop strong community connections, and have access to relevant and affordable community services and well-managed community infrastructure.

2.4 Diverse and inclusive communities

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Advertising for the 2018 Alternative Queens Birthday dates to be advertised in the local newspaper under GL#41146 after approval by the Governor and gazetted.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Private Sector Directorate, Labour Relations Department of Mines, Industry Regulation and Safety be advised of the following alternative dates for the Queen's Birthday holiday 2018.

- 1. Monday 9th July 2018 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2018 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

COUNCIL RESOLUTION: 201718/91

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT the Private Sector Directorate, Labour Relations Department of Mines, Industry Regulation and Safety be advised of the following alternative dates for the Queen's Birthday holiday 2018.

- 1. Monday 20th August 2018 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

Reason for Non Acceptance of Officer's Recommendation:

Council requested delete item No#1 in the officers recommendation NOT to have a public holiday on the Monday 9th July 2018 for the Marble Bar Cup Race Day in July 2018 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine. The Queens Birthday Public Holiday for 2018 will be as the West Australian Public Holiday set on the 24th September 2018.

Council requested item No#2 Monday 20th August 2018 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the Annual Fortescue Festival as an alternative public holiday as per the officers recommendation.

9.1.5 LOCAL GOVERNMENT ACT 1995 REVIEW: PHASE 1

File Ref:	LEG-1-1
Attachments:	LG-Act-Review-Consultation-Paper_Phase 1.pdf LGA Electronic Availability of Information Fact Sheet.pdf LGA Gift Disclosure Fact Sheet.pdf LGA Improving Behaviour and Relationships Fact Sheet.pdf LGA Reducing Red Tape Fact Sheet.pdf LGA Regional Subsidiaries Fact Sheet.pdf LGPA-Bigger-Impact Better-Outcomes Feb2017.pdf PRC - WALGA Submission - LG Act and Regulations Review - Final.pdf WALGA Review of Local Government Act 1995 Discussion Paper Pdf
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mr Grant Watson Coordinator Executive Services
Proposed Meeting Date:	08 December 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

The Department of Local Government, Sport and Cultural Industries has released its consultation paper for the first phase of the review of the Local Government Act. This report seeks to put in place a process for providing a response.

BACKGROUND

In the lead up to the 2017 State Election, the now State Government announced its intention to undertake a full review of the *Local Government Act 1995*. Following the election, the Minister set in place a process to formally undertake the review.

Prior to the state election, Local Government Professionals Australia WA released a document titled 'Bigger Impact. Better Outcomes' that outlined a number of recommendations on legislative and regulatory change including a review of the Act. A copy of the document is **attached**.

The WA Local Government Association (WALGA) has undertaken its own consultation process to better inform the positions to be held on behalf of the sector. WALGA distributed a discussion paper in July 2017 (**attached**) with the aim of obtaining the sector's feedback. The final collated feedback from this review has

been prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings.

The Pilbara Regional Council (PRC) also collected the views from its Member Local Governments and summarised these in a submission to WALGA. A copy of the submission is **attached**.

The State (through the Department of Local Government, Sport and Cultural Industries) released its own consultation paper on Phase 1 of the Local Government Act review on 8 November 2017. The consultation paper and summary fact sheets are **attached**.

Local governments are encouraged to provide support by providing feedback to the Department and by promoting the review to their residents and relevant stakeholders.

COMMENTS/OPTIONS/DISCUSSIONS

The Department has allowed three months for responses to be provided to its consultation paper with the deadline being 9 February 2018. This means there is only one further Council meeting between this meeting and the deadline, scheduled for 2 February 2018.

The consultation paper is lengthy. The general focus of Phase 1 is modernising local government and includes the following topics:

- Electronic availability of information
- Meeting public expectations for accountability, including gift disclosures
- Meeting community expectations of standards, ethics and performance
- Building capacity through reducing red tape
- Regional subsidiaries

The Department is proposing to receive comments on the paper from a variety of sources including, but not limited to, Councils. Any member of the public, any individual elected member or individual officer may make their own submission.

The recommendation below is for Council to submit one combined submission.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government Act 1995 and its associated Regulations control most aspects of local government operations – including the need to have and the requirements our strategic planning documents. It is likely that any change to the Act could have significant strategic implications for the Shire.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision making
Responsible officer: DCEO
Timing: As appropriate
 - 1.1.3 Effective business management
Responsible officer: DCEO
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/92

MOVED: Cr Michael Kitchin

SECONDED: Cr Anthony Middleton

THAT Councillors

1. **Submit any feedback on the *Local Government Act 1995* Review Phase 1 Consultation Paper by Friday 12 January 2018, for a responsible officer to consolidate and formulate a submission to be reviewed at the Council Meeting on 2 February 2018.**
2. **Support the advertising of the review and the consultation period to encourage input from the public and key stakeholders.**

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Grant Watson, Coordinator Executive Services

9.1.6 URBAN TREE RETENTION AND DEVELOPMENT POLICY

File Ref: LEG-2-1
Attachments: [Street Trees and Vegetation Existing Policies.pdf](#)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Grant Watson
Coordinator Executive Services
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:37 PM Ms Sian Appleton left the Chambers

12:39 PM Ms Sian Appleton left the Chambers

REPORT PURPOSE

For Council to consider the possible development of a policy relating to urban tree retention and planting requirements for developers within the Shire of East Pilbara.

BACKGROUND

Cr Kitchen has requested that Council investigate and consider adopting a policy regarding urban tree retention and approved planting requirements for new developments.

Local governments are increasingly recognising the value of trees in an urban context particularly in capital city areas. The loss of urban trees, particularly verge trees and those on private land, is seen as a significant environmental and social issue for many communities across the State.

Trees assist in providing numerous environmental, health, amenity and social benefits.

Most metropolitan Local Governments have some form of street tree and/or tree retention policy; although there is no consistent approach across the Local Government sector. These policies and management plans are important because they set out a Local Governments goals, aims, principles and values in relation to trees. Although policies are not law, where a policy exists, Local Governments are required to have regard to the policy in the decision making process.

A number of metropolitan Local Governments choose to have a high level strategy, such as an urban forest strategy, to outline their overall strategic values. These high level strategies are linked to the Council's Strategic Plan and Vision. This high level document is then supplemented with an implementation plan to outline how the objectives will be achieved.

A lower level approach is for Local Governments to outline how they will achieve and maintain their tree-related goals simply through operational / implementation plans. These operational street tree policies usually include issues such as planting of new trees, maintenance of existing trees and circumstances which may warrant tree removal.

Some Local Governments have gone one step further and have adopted tree preservation policies in regards to private property. The inclusion of these types of provisions within the Local Planning Scheme and/or the adoption of a Local Planning Policy clearly identifies Local Governments' intention when dealing with subdivision and development applications on private land.

There are a number of existing policies and guidelines on a local and State level relating to street trees and urban tree retention. A brief summary of these policies and guidelines is ***attached***.

COMMENTS/OPTIONS/DISCUSSIONS

All of the Local Governments that have adopted a high level strategy are metropolitan ones. Generally these have been developed because they are facing development and growth problems related to increased density and urban infill targets; and have been forced to adopt strategies that mitigate the significant depletion of existing trees.

The Shire of East Pilbara's urban centres are not facing these same issues. There are no major large scale developments (residential or commercial) or multi storey developments. During the development of East Newman and the Newman Town Centre (2008-2016), new Local Planning Policies were adopted specifically for those developments.

The nature of the major industries within the Shire would appear to defeat the reasoning of investigating such a policy for the town sites. Especially when the State Government cannot give a clear indication of the total area impacted by clearing permits issued to industry within the Shire.

There are already sufficient policies and plans in place to implement tree retention and planting requirements for any major developments that may arise. Therefore it is the recommendation of this report that no further action be taken on the investigation or development of such a policy.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

As stated above, there are a number of existing policies and guidelines relating to trees, see attached. Any newly developed position or policy would need to work in conjunction with these policies.

STRATEGIC COMMUNITY PLAN

Goal 4 – Environment – Planned Actions

The Shire of East Pilbara seeks to effectively manage and maintain its iconic Pilbara environmental assets by reducing ecological footprints and developing clean, green towns.

4.2 Promote a sustainable environment

4.2.1 Cultivate clean green towns
Responsible officer: MCW
Timing: 1 years

4.2.2 Promote improved water management
Responsible officer: DTDS
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/93

MOVED: Cr Dean Hatwell

SECONDED: Cr Craig Hoyer

THAT Council does not take any further action in regard to the investigation and/or development of an urban tree retention or urban tree canopy policy due to the number of existing policies and guidelines.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Grant Watson, Coordinator Executive Services

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- OCTOBER 2017**

File Ref: CLR-4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:40 PM Meeting adjourned for lunch.
12:40 PM Ms Taylor Amonini left the Chambers
1:05 PM Meeting resumed, All Councillors and staff returned to Chambers.

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 *Ethical, accountable and transparent decision-making*

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of October 2017 be received.

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 2 Constitution of local government

Division 2 Local governments and councils of local governments

Section 2.7

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/94

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of August 2017 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 July 2017	13.2	NULLAGINE CARAVAN PARK Cr Bidy Schill said the toilet block at the Nullagine Caravan Park requires an urgent upgrade as they are unacceptable for use; especially it is now tourist season. Cr Bidy Schill would like this brought back to Council regarding the condition of the toilet block. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Report being provided re-future of Nullagine Caravan Park	December 2017
27 October 2017	11.2.4	PROPOSAL TO DEVELOP A RECONCILIATION ACTION PLAN	MCW	Reconciliation Action Plan Underway	
27 October	15.7	SHADE SAIL NULLAGINE	DCEO	Work Order created	Completed

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
2017		Cr Bidy Schill said the sail shade between the Gallop Hall and Community Resource Centre-Nullagine has a tear and requires repairing if a work order can be created. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.			
27 October 2017	15.8	GALLOP HALL TOILET BLOCK Cr Bidy Schill said the toilets next to Gallop Hall have been refurbished but when people are using the hall they can only use one toilet, as the other one is used for the CRC staff, and asking why they are locked and should be used for public using the Gallop Hall. Ms Sian Appleton, Deputy Chief Executive Officer to follow up	DCEO	To be considered at Budget Review	
27 October 2017	15.9	BHP LOCAL BUSINESS ADVISORY PROGRAM Cr Hoyer asked if the Shire could invite BHP Local Business Advisory Program to the next meeting to speak with Council regarding the program that will provide local business support to grow and develop. Ms Sian Appleton, Deputy Chief Executive Officer to follow up	DCEO	Presented to Council 08/12/2017	Completed
27 October 2017	14.1.1	CONFIDENTIAL CONSIDERATION OF THE CEO SHORTLIST	DCEO		Completed

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer

9.2.2 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Dawn Brown
Contract and Procurement Officer

Proposed Meeting Date: 08 December 2017

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

This report is to advise Council of the documents that have had the Shire of East Pilbara's Common Seal affixed under delegated authority since the Council Meeting held 27th October, 2017.

BACKGROUND

The two documents that have had the Shire's Common Seal affixed under delegated authority are in relation to:

- Contract awarded to Research Solutions for the Strategic Community Plan and Community Satisfaction Surveys (RFT 02-2017/18 – awarded under delegated authority).
- Contract awarded to Dowsing Group Pty Ltd for drainage works – Newman (RFT 04-2017/18 – awarded under delegated authority).

COMMENTS/OPTIONS/DISCUSSIONS

There are two documents that have had the Shire's Common Seal affixed under delegated authority since the last Council meeting as per:-

Document	Details	Parties	Synergy TC No.
Contract	Strategic Community Plan & Surveys (RFT 02-2017/18)	Research Solutions	TC2017534
Contract	Drainage Works - Newman (RFT 04-2017/18)	Dowsing Group Pty Ltd	TC2017543

Statutory Implications/Requirements

Local Government Act 1995, Part 9, Division 3, s.9.49A Execution of Documents.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.2.4

Date: 9th December 2016

Objective

To allow for the proper execution of documents.

Policy

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

Delegation From:

Council

Delegation To:

Chief Executive Officer

Council File Reference:

ADM-14-9

Legislative Authority for Delegation: S5.42 Local Government Act 1995

And Delegated Authority as per:

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into account any specific or policy requirements of council where:

The Council has authorised entering into a formal contract or a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council or a formal contract is authorised under a delegated authority from the Council.

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

RISK MANAGEMENT CONSIDERATIONS

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/95

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Council

- 1. Have been advised that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Research Solutions for the Strategic Community Plan and Community Satisfaction Surveys (RFT 02-2017/18).**
- 2. Have been advised that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Dowsing Group Pty Ltd for Drainage Works –Newman (RFT 04-2017/18).**

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mrs Dawn Brown, Contracts and Procurement Officer

9.2.3 REVIEW OF POLICY 4.3 CONFERENCES-STUDY TOURS

File Ref:	ADM-1-6
Attachments:	Existing Conference Policy pdf 1 18 Councillor Conferences pdf Staff Conferences pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Batsi Masaka Coordinator Governance
Proposed Meeting Date:	08 December 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to approve significant changes to Policy 4.3 Conferences-Study- Tours.

BACKGROUND

Policy 4.3 Conferences-Study Tours was applicable to both Councillors and staff. However, a review has been conducted resulting in a proposal to delete policy 4.3 and replace it with 2 separate policies as follows:

Policy 1.18 Councillor Conferences-Study Tours to be in the Policy Manual and Staff Conferences- Study Tours –to be in the Staff Procedures Manual

COMMENTS/OPTIONS/DISCUSSIONS

A copy of the existing Policy 4.3 Conferences-Study Tours has been attached

A copy of Policy 1.18 has been attached and reflects the following amendments:

Exclusion of the following paragraph from the existing policy

Every year, the Shire President and the Chief executive Officer are to attend the Annual Australian Local Government Association Annual Conference. This is to enable the Shire President and Chief Executive Officer to network with Federal Ministers, Members of Parliament and /or senior Departmental Officers on issues affecting the council and the district.

Under the heading policy inserted will consider in the 2nd sentence of the first paragraph

Last paragraph: inserted Note: all applications must be made using the approved form.

A copy of the Staff Conferences policy has been attached and reflects the following amendments:

Exclusion of the following paragraph from the existing policy. Every year, the Shire President and the Chief executive Officer are to attend the Annual Australian Local Government Association Annual Conference. This is to enable the Shire President and Chief Executive Officer to network with Federal Ministers, Members of Parliament and /or senior Departmental Officers on issues affecting the council and the district.

Under the subheading Other Conferences, the last sentence of the 1st paragraph amended as follows:

Deleted delegated authority and inserted authorised, and in accordance with budget provisions.

Last paragraph: inserted Note: all applications must be made using the approved form.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.3 CONFERENCES – STUDY TOURS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
 - Responsible officer: DECO
 - Timing: As appropriate

RISK MANAGEMENT CONSIDERATIONS

The risks include but are not limited to financial and compliance with providing the required reports after attending conferences.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/96

MOVED: Cr Michael Kitchin

SECONDED: Cr Bidy Schill

THAT Council

1. Approves the deletion of Policy 4.3 Conferences-Study Tours
2. Adopts the proposed policies :
Policy 1.18 Councillor Conferences-Study Tours to be in the Policy Manual.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mrs Batsi Masaka, Coordinator Governance

9.2.4 PROPOSED NEW POLICY 6.12 - ANNUAL THANK A VOLUNTEER AND THE AUSTRALIA DAY WA, COMMUNITY CITIZEN OF THE YEAR (COTY) AWARDS

Attachments:	SoEP Thank a Volunteer and Australia Day Citizen of the Year Policy.docx
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Pip Parsonson Manager Community Wellbeing
Proposed Meeting Date:	8 December 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the new policy 6.12 - Annual Thank a Volunteer and the Australia Day WA, Community Citizen of the Year (COTY) Awards. The policy was presented to Council at the Corporate Discussion meeting on 27th October 2017.

BACKGROUND

The Shire has recognised Thank a Volunteer and the COTY award programs since at least 2003.

In 1985, the United Nations designated 5 December each year as the International Volunteer Day, also known as Thank a Volunteer Day in WA. In recent years, the Shire of East Pilbara has, in keeping with International Volunteer Day, celebrated Thank a Volunteer Day on 5 December. Two awards have been provided, one to the Volunteer of the Year and one to the Junior Volunteer of the Year.

The COTY awards are presented by Local Government within local communities across Western Australia on Australia Day.

The Awards reward and recognise individuals and organisations making a notable contribution during the current year, and/or to those who have given outstanding service over a number of years.

Outstanding contribution and community service includes areas such as; education, health, fund-raising, charitable and voluntary services, business, sport, arts, the environment, social inclusion or any other area that contributes to the advancement and wellbeing of a community. There are four categories to these awards, Citizen of the Year; Senior Citizen of the Year; Youth Citizen of the Year and Active Citizenship (Group or Event)

Only seven weeks separate Thank a Volunteer Day and Australia Day and due to this short gap and the period around Christmas/New Year, it is a challenge to elicit nominations for each award program. In recent years the number of nominations has been very small.

To streamline the nomination process and reduce 'nomination fatigue' in the community, it is recommended that the Shire utilise the nomination process used for the COTY Awards (found at www.citizenshipawards.com.au/nominate) to elicit nominations for both programs. The information gained from the COTY nomination form is sufficient to also judge the Thank a Volunteer awards.

COMMENTS/OPTIONS/DISCUSSIONS

To date the Shire has not had a policy that specifies an appropriate and transparent process relating to the Thank a Volunteer and COTY awards. The attached policy specifies the process by which nominations will be solicited and assessed. It proposes that the Managers and staff of the Shire's Community Wellbeing and Recreation and Events sections actively solicit nominations for both awards and that an internal staff committee (not including Community Wellbeing and Recreation and Events Staff) is formed to select the Thank a Volunteer awardees and Shire Councillors select the COTY awardees at their December meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.3 Engaged community
 - 1.3.1 Increase community awareness
Responsible officer: MCW
Timing: 1 year
 - 1.3.3 Implement civic engagement projects
Responsible officer: MCW
Timing: 1-3 years

Goal 2 – Social – Planned Actions

The Shire of East Pilbara seeks to foster harmonious communities that acknowledge a shared heritage; develop strong community connections, and have access to relevant and affordable community services and well-managed community infrastructure.

- 2.4 Diverse and inclusive communities
 - 2.4.1 Promote diverse, harmonious and caring communities
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-3 years
 - 2.4.2 Build strong community groups, networks and governance
Partnering With: Federal Government, State Government, Industry and NGO's

Responsible officer: MCW
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk to the Shire if it is not seen to have open and transparent processes associated with the selection of awardees for programs under its stewardship.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopts the new policy 6.12 - Annual Thank a Volunteer and the Australia Day WA, Community Citizen of the Year (COTY) Awards as presented.

COUNCIL RESOLUTION: 201718/97

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT Council defer item 9.2.4 proposed new policy 6.12 – Annual Thank a Volunteer and The Australia Day WA, Community Citizen of the Year (COTY) Award until February 2018 Council Meeting.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Pip Parsonson, Manager Community Wellbeing

Reason for Non Acceptance of Officer's Recommendation: Council requested an amendment to the policy regarding the selection committee and deferred until February 2018 Council meeting.

9.2.5 AUDIT COMMITTEE REPORT

Attachments:	Annual Statements 1617.pdf Management Letter pdf Audit Committee Minutes 30/11/17
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Proposed Meeting Date:	08 December 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

BACKGROUND

The Audit Committee met on 30th November 2017 and the minutes of that meeting are attached.

COMMENTS/OPTIONS/DISCUSSIONS

Role of the Audit Committee:

As a requirement of the Local Government Act 1995, the Audit Committee was formed “to provide independent oversight of the financial systems of the local government on behalf of the Council. As such, the committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government’s financial reporting and audit responsibilities.”

STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Audit Committee minutes.

POLICY IMPLICATIONS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

- 1.1.2 Continued strong financial management
Responsible officer: DCEO
Timing: 1 year

RISK MANAGEMENT CONSIDERATIONS

Refer to attached Audit Committee minutes.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/98

MOVED: Cr Michael Kitchin

SECONDED: Cr Anthony Middleton

THAT Council consider the following recommendations as presented by the Audit Committee.

AUDIT COMMITTEE RECOMMENDATION 1

THAT Council review the Audit Management Report as presented and receive the Management Report for the Year Ended 30 June 2017.

AUDIT COMMITTEE RECOMMENDATION 2

THAT Council accept the Audited Annual Financial Statements for the year ending 30 June 2017 as presented.

AUDIT COMMITTEE RECOMMENDATION 3

THAT Council adopt the dates for the 2017 audit committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
22 nd February 2018	4 th Thursday	8:00am	Newman
14 th June 2018	2 nd Thursday	8:00am	Newman
6 th September 2018	1 st Thursday	8:00am	Newman
22 nd November 2018	4 th Thursday	8:00am	Newman

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer

9.2.6 MONTHLY FINANCIAL REPORT - SEPTEMBER 2017

Attachments:	September 2017.pdf September 2017 Variance Report.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Noelene Holmes Coordinator Financial Services
Proposed Meeting Date:	08 December 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To provide Councillors with a monthly financial statement on the operations of Council.

BACKGROUND

The attached 11-page report details the financial activities of the Council for the period 1st July 2017 to 30th September 2017 of the 2017/2018 financial year –

There are 4 sections of the monthly report:

1. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
2. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
3. A schedule detailing all expenditure for the year to date for individual capital items.
4. A statement of cash flows.

COMMENTS/OPTIONS/DISCUSSIONS

The Deputy Chief Executive Officer will provide an overview and explanation as required of how to interpret the financial statement at the meeting.

Reportable variations in accordance with accounting policies are as follows:

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.”*

Local Government (Financial Management) Regulations 1996
Part 4 Financial reports
Reg 34(1) -

“A Local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –

- (a) annual budget estimates ...*
- (b) budget estimates to the end of the month to which the statement relates;*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.”*

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

STRATEGIC COMMUNITY PLAN

Nil

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
Responsible officer: DCEO
Timing: As appropriate
 - 1.1.2 Continued strong financial management
Responsible officer: DCEO
Timing: 1 year
 - 1.1.3 Effective business management
Responsible officer: DCEO
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

This report is part of ensuring that risk matters are reviewed periodically

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/99

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the monthly financial statements for the period 1st July 2017 to 30th September 2017 of the 2017/2018 financial year as presented be received.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mrs Noelene Holmes, Coordinator Financial Services

9.2.7 CREDITORS FOR PAYMENT.

File Ref: FIN10-2
Attachments: [Schedule of Accounts Chq 1.pdf](#)
[Schedule of Accounts Direct Debits.pdf](#)
[Schedule of Accounts EFT 1.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Teresa Southwell
Expenditure Finance Officer
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 27 October 2017.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments		3615467.45
	Total	\$3,615,467.45
Cheque Payments		28980.48
Direct Debits		106138.83
Manual Cheques		0.00
	Total	\$135,119.31
	GRAND TOTAL	<u>\$3,750,586.76</u>

Please note the computer system allows for only a limited field for the description of goods/services purchased, therefore the description shown on the attached Schedule of Accounts may not show the entire description entered for the goods/services purchased.

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

EFT 40853; 40895; 40921; 40962; 41000; 41001; 41089; 41215; 41216; 41233;

Cheques 24390; 24391; 24392; 24393; 24395; 24409

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

Nil

STRATEGIC COMMUNITY PLAN

Nil.

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Total expenses of \$3750586.76

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/100

MOVED: Cr Dean Hatwell

SECONDED: Cr Anita Grace

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments		3615467.45
	Total	\$3,615,467.45
Cheque Payments		28980.48
Direct Debits		106138.83
Manual Cheques		0.00
	Total	\$135,119.31
	GRAND TOTAL	<u>\$3,750,586.76</u>

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Ms Teresa Southwell, Expenditure Finance Officer

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISIONS - OCTOBER 2017**

File Ref: CLR-4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/101

MOVED: Cr Gerry Parsons

SECONDED: Cr Carol Williams

THAT the Director Technical and Development Services “Status of Council Decisions” Report for the month of December 2017 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 Jul 2017	11.2.1	DESERT ROAD MASTER PLAN Project Implementation - Cr Lang Coppin	MDS-P	<i>Refer to Information Bulletin Letters seeking support funding has been sent to various mining companies and awaiting responses.</i>	<i>Ongoing</i>
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter	MDS-P	<i>Refer to Information Bulletin Funding in budget to prepare RFQ to carry out detailed design and costings</i>	<i>Jun 2018</i>
28 th October 2016	13.7	GARDEN BED NEWMAN DRIVE Cr Lynne Craigie said the garden beds on Newman Drive, next to the Chicken Treat Van needs attention.	DTDS WSPG	Design and costings have been prepared and are to be reviewed then partnership discussions with BHP to share costs will be followed up. This item has been deferred due to other project priorities but will be reactivated early in new year.	Feb 2018
9 December 2016	13.5	SIGNAGE REGARDING NEWMAN TOWN Cr Lynne Craigie asked if it is possible for signs to be erected on Great Northern Highway to advise of what services are available in Newman.	MDSP	Communication has been had with NCCI regarding this matter. We are waiting on feedback from the NCCI on next steps. To be followed up by Manager Development Services – Planning to confirm with NCCI the details and priority of proposal.	Feb 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 July 2017	13.3	SIGNAGE NULLAGINE Cr Bidy Schill asked regarding the signage policy as there is a sign at the front entrance of the triangle park and is very distracting, does it require permission by the Shire?	MDSP	To be investigated by Planning Manager as to the sign locations and approvals. Site investigations have been undertaken and discussion held with hotel owner about 2 unauthorised Hotel signs, one on the Hotel's property and one in our road reserve (not UCL 248). The applicant will be advised to submit a Development Application for the two subject signs so they can be formally assessed by shire officers.	Feb 2018
27 October 2017	15.1	MARBLE BAR PIONEER CEMETERY Cr Michael Kitchin asked if the Marble Bar Pioneer Cemetery could be whipper snipped as it is over grown in the NE & SE area. Mr Rick Miller, Director Technical & Development Services to follow up.	MTSR	A general tidy up has been scheduled. Worth noting that for individual plots it is usually the responsibility of the family to maintain. Perhaps may be worth investigating a Friends of the Cemetery group to be established if enough interest ?	Complete
27 October 2017	15.2	ROAD SIGNAGE Cr Dean Hatwell said road signage has disappeared, heading to Nullagine on the intersection 8km of Limestone Road and Hillside Road floodway level indicator is missing.	MTSR	MRWA have been advised of missing 8km and will be installed once received. Expected to be either just before Xmas or early in New Year.	Complete
27 October 2017	15.3	NEWMAN SQUARE Cr Anita Grace said the T section next to the old ANZ is it possible to put a give way sign as this is dangerous because people do not give way. Mr Rick Miller, Director Technical and Development Services said this requires approval by Main Roads WA as it is not a Shire road and will follow this up.	DTDS CAM	After discussions with MRWA they accepted our specific argument to approve a give way sign and line markings to be installed	To be advised
27 October 2017	15.4	WINDAMARRA CRES STREET LIGHTING Cr Gerry Parsons said she has completed lighting forms and spoken with BHP Electrical regarding the street lighting on Windamarra Cres as it is very dark. Mr Rick Miller Director Technical and Development Services to follow up.	DTDS	Lighting inspected and working – last checked 23 November 2017.	Complete
27 October 2017	15.6	POT HOLES, PARDOO STREET Cr Gerry Parsons spoke about the pot holes on Pardoo Street as this is very dangerous and requires urgent repairs.	MTSN	Repaired	Complete

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mr Rick Miller, Director Technical and Development Services

9.3.2 APPOINTMENT OF BUSHFIRE CONTROL OFFICER - MR COLIN BRAND

File Ref: RNG-5-8
Attachments: [FCO Certificate.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Brent Stein
Coordinator Ranger & Emergency Services
Proposed Meeting Date: 08 December 2017
Location/Address: N/A
Name of Applicant: Mr Colin Brand - Rio Tinto - Yandicoogina
Author Disclosure of Interest: Nil

REPORT PURPOSE

To appoint Mr Colin Brand of Rio Tinto Yandicoogina as a Bush Fire Control Officer for the Shire of East Pilbara under the Bush Fires Act 1954, Section 38.

BACKGROUND

A local authority may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purpose of the Act

COMMENTS/OPTIONS/DISCUSSIONS

The Bush Fire Control Officer's main duties relate to fire prevention. They are the officers through whom Local Government works to control the use of fire and certain machinery operations, at such times of the year as could lead to bush fires.

The Fire Control Officer can impose limitations, conditions and restrictions on activities that are in breach of the Bush Fires Act, and Local Laws. Fire control Officers can take actions to control or extinguish fires burning within the district and impose penalties for non-compliance.

There are currently no Fire Control Officer's from Rio Tinto or in the area of the Yandicoogina and the appointment will assist with administering the Shire of East Pilbara's Responsibilities under the act in this and surrounding areas.

This appointment within the Bush Fires Act allows greater flexibility to service delivery within the Shire to our corporate community given that Shire FCO can't be everywhere across the width and breath of the region. Having appointments made at strategically placed areas within the Shire, reduces impacts on Shire FCO hours and the potential for fatigue related issues. Having identified a need, actions have been undertaken to reduce risk and ensure obligations under the Bush Fires Act are being met within the Local Government area and responsibility.

These appointments are a common occurrence in Shires. Shire of East Pilbara has a number of non-employees appointed as FCO's. The appointment of a FCO at Rio

Tinto Yandicoogina with the Shire of East Pilbara, will be managed by the CBFCO as required for the Shire and therefore like any other FCO will take direction as required under this control as per the Bush Fire Act.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 38 (2) (a) of the Bush Fires Act 1954 states that “The Local Government shall cause notice of an appointment made under the provision of subsection (1) to be published at least once in a newspaper circulating in its district.

Section 38 (2) (e) of the Bush Fires Act 1954 also needs to be issued with a certificate of appointment.

POLICY IMPLICATIONS

No Policy Implications

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

RISK MANAGEMENT CONSIDERATIONS

All incidents managed by the Shire will remain with the Shire and the FCO appointed will take direction in his/her capacity from the Shire’s CBFCO in the event they are called upon to manage a fire on site or in surrounding areas. This will reduce the risk to the Shire and give us greater coverage.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/102

MOVED: Cr Lang Coppin OAM

SECONDED: Cr Michael Kitchin

THAT Council

1. Appoint Mr Colin Brand, as a Bushfire Control Officer for the Shire of East Pilbara under Section 38 of the Bush Fires Act 1954.
2. Publish the appointment in a newspaper circulating in the district.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mr Brent Stein, Coordinator Ranger & Emergency Services

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**

**11.1 ACTING CHIEF EXECUTIVE OFFICER BE ACCEPTED AS AGENDA ITEM
11.1.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/103

MOVED: Cr Gerry Parsons

SECONDED: Cr Anita Grace

**THAT the Acting Chief Executive Officer report be accepted as agenda item
11.1.1**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

11.1.1 ACTING CHIEF EXECUTIVE OFFICER

**Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer**

**Author: Mrs Kylie Bergmann
Coordinator Governance**

Proposed Meeting Date: 08 December 2017

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To provide for an Acting Chief Executive Officer, in the event that the CEO's office remains absent for more than 35 days.

BACKGROUND

Item 4.1 of the Delegations Manual authorises the CEO to delegate power to the Deputy Chief Executive Officer to be Acting CEO during unscheduled or scheduled absences of the CEO for periods of up to 35 days.

A condition of the delegation is that Council must appoint an Acting CEO in circumstances where the CEO is absent for more than 35 days.

COMMENTS/OPTIONS/DISCUSSIONS

The Deputy CEO already has delegated power to act as CEO for a period of up to 35 days.

However, Council should appoint an Acting CEO in the event that the CEO's office remains vacant for more than 35 days.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 4 – Local government employees) 5.42. Delegation of some powers and duties to CEO (pg 153)

Part 5 - Administration (Division 4 – Local government employees) 5.43. Limits on delegations to CEO (pg 153)

Part 5 - Administration (Division 4 – Local government employees) 5.44. CEO may delegate powers and duties to other employees (pg 154)

POLICY IMPLICATIONS

Authorisations and Delegations Manual
Item 4.1 Acting Chief Executive Officer

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
Responsible officer: DCEO
Timing: As appropriate

RISK MANAGEMENT CONSIDERATIONS

Risk that we have no appointed Acting CEO if the CEO's office remains vacant for more than 35 days.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/104

MOVED: Cr Gerry Parsons

SECONDED: Cr Anita Grace

THAT Council appoint Deputy Chief Executive Officer, Sian Appleton, to be the Acting Chief Executive Officer until such time that a new Chief Executive Officer is appointed or Council decides otherwise.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mrs Kylie Bergmann, Coordinator Governance

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

12.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER (CEO)

File Ref: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Proposed Meeting Date: 08 December 2017
1:30 PM Mr Allen Cooper, Mr Rick Miller and Mr Grant Watson left the Chambers.

PURPOSE

To appoint the position of Chief Executive Officer for the Shire of East Pilbara,

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/105

MOVED: Cr Gerry Parsons

SECONDED: Cr Anita Grace

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

- (e) A matter that if disclosed would reveal, trade secrets, information of commercial value, information about the business, professional, commercial or financial affairs of a person.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/106

MOVED: Cr Gerry Parsons

SECONDED: Cr Lang Coppin OAM

THAT Council;

- 1. Appoints Jeremy Lee Edwards to the position of Chief Executive Officer with the Shire of East Pilbara for a period of three (3) or five (5) years commencing on Day Date Month Year and concluding on Day Date Month Year;**
- 2. Is of the belief that Jeremy Lee Edwards is suitably qualified for the position of Chief Executive Officer;**
- 3. Is satisfied with the provisions of the proposed employment contract to be entered into with the Shire of East Pilbara with a total reward package of \$268,265 per annum, in accordance with the current Salaries and Allowances Tribunal determination for Band 2 Local Government Chief Executive Officers.**
- 4. Authorises the Shire President to execute the contract of employment under the Common Seal of the Shire of East Pilbara in the accordance with the Local Government Act 1995 Section 9.49A(3).**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

To be actioned by Shire President, Lynne Craigie

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/107

MOVED: Cr Gerry Parsons

SECONDED: Cr Anita Grace

THAT in accordance with Section 5.23 (1) of the Local Government Act 1995 the meeting is open to members of the public.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

13 GENERAL BUSINESS

13.1 NULLAGINE COMMUNITY PARK

Cr Bidy Schill asked for an update on the Nullagine community park upgrades.

Mr Rick Miller, Director Technical & Development Services advised that an alternative design has been developed to be within budget and a scope of works with all costs should be completed within the next week. The expected installation date is now mid-January 2018.

13.2 COMMUNITY BANNER POLES

Cr Bidy Schill noted that there are a number of community banners around Newman but none have been put up in Nullagine.

Ms Sian Appleton, Deputy Chief Executive Officer to follow up for Nullagine and Marble Bar.

13.3 RECORDING OF COUNCIL MEETING MINUTES

Cr Bidy Schill asked if the audio from Council meetings could be recorded. Shire President Lynne Craigie suggested that the meeting minutes be typed live on the projector as has been done previously.

Ms Sian Appleton, Deputy Chief Executive Officer to follow up.

1:48 PM Cr Lang Coppin OAM left the Chambers.

1:50 PM Cr Lang Coppin OAM returned to the Chambers

13.4 NEWMAN AQUATIC CENTRE OPENING HOURS

Cr Gerry Parsons asked if the Newman Aquatic Centre can look at extending their opening hours as it is starting to heat up.

Ms Sian Appleton, Deputy Chief Executive Officer advised that the extended summer opening hours will commence soon.

13.5 ABANDONED CAR REMOVAL AND DISPOSAL

Cr Gerry Parsons asked if the Newman Refuse Site disposes of vehicles and who is responsible for the removal of abandoned cars.

Mr Rick Miller, Director Technical and Development Services replied that the Refuse Site can dispose of vehicles. Vehicle removal depends on who owns the land where the vehicle is located. He asked if Cr Parsons could advise the location of any particular vehicles and he will investigate.

13.6 CHRISTMAS DECORATION AT THE NEWMAN AIRPORT

Cr Anita Grace asked why there is no Christmas tree at the Newman Airport and stated that there is a lack of decorations / Christmas ambience.

Mr Rick Miller, Director Technical and Development Services to follow up.

13.7 DISCLOSURE OF ORGANISATIONAL RELATIONSHIPS

Cr Anita Grace stated that at the recent PRC meeting, a question was asked on whether the Shire's relationship with the PRC needs to be disclosed in relation to the related party disclosure form.

Ms Sian Appleton, Deputy Chief Executive Officer to follow up.

13.8 COUNCILLOR KNOWLEDGE OF THE SHIRE

Cr Lang Coppin asked if it would be possible to arrange an internal trip across the Shire for all Councillors in an effort to increase their working knowledge on its communities.

Shire President Lynne Craigie said that this would be logistically difficult and suggested that staff produce a photo and information session to be presented by Council.

Ms Sian Appleton, Deputy Chief Executive Officer to follow up.

13.9 MARBLE BAR SWIMMING POOL SECURITY CAMERAS

Cr Dean Hatwell said that the security cameras at the Marble Bar Swimming Pool do not currently monitor the kiosk facility and asked if we could investigate a solution or upgrade.

Ms Sian Appleton, Deputy Chief Executive Officer to follow up.

13.10 EMPTY LOT MAINTENANCE – NEWMAN

Cr Anthony Middleton asked if the Shire is responsible to maintaining and mowing the tall grass in the empty lots in East Newman.

Mr Rick Miller, Director Technical and Development Services replied that the Shire manages all road reserves but are not responsible for private property. He asked if Cr Middleton could advise the location of any particular overgrown lots and he will investigate.

13.11 COUNCIL MEETING SHIRE MANAGERS

Cr Michael Kitchin asked if it would be possible for the Shire's team managers to meet with Council and provide information on their business areas.

Ms Sian Appleton, Deputy Chief Executive Officer to follow up.

13.12 TREE PLANTING IN MARBLE BAR

Cr Michael Kitchin stated that the tree planting program in Marble Bar seems to have stopped.

Mr Rick Miller commented that the tree planting program is currently on hold while propriety works are undertaken. It will resume in the new year.

13.13 STREET LIGHTING

Cr Michael Kitchin noted that the quality of street lighting in a number of parts of Newman was particularly poor.

Mr Allen Cooper, Chief Executive Officer advised that this has been investigated many times with BHP and is ongoing.

13.14 MARBLE BAR AIRPORT

Cr Michael Kitchin asked what sorts of airplanes are capable of landing at the Marble Bar airport, as small planes routes could be utilised to increase tourism.

Mr Rick Miller, Director Technical and Development Services to follow up.

2:05 PM Cr Lang Coppin OAM left the Chambers.

2:11 PM Cr Lang Coppin OAM returned to the Chambers

13.15 MARBLE BAR RACE CLUB TOWER

Further to previous discussion, Cr Michael Kitchin raised the concern about the instability of the commentator's tower at the Marble Bar Race Club. Cr Kitchin asked if the Shire could potentially have any duty of care or liability.

Mr Allen Cooper, Chief Executive Officer said that the Shire's Building and Assets unit can investigate the structure and if it is deemed unstable it can be cordoned off; but noted that this is ultimately not the Shire's responsibility.

13.16 CAPRICORN OVAL CCTV

Cr Craig Hoyer said that there have recently been a number of break-ins at the football clubs around Capricorn Oval. The sporting groups and Newman Police have noted that the CCTV cameras in place are not of suitable quality to identify culprits and they are sometimes turned off.

Mr Rick Miller, Director Technical and Development Services to follow up and provide a report.

13.17 POWER INQUIRY

Shire President Lynne Craigie said that with the support of the PRC, she has recently provided a submission on the State's power inquiry the Pilbara – acknowledging the costs associated with doing things in the Shire.

Shire President Lynne Craigie, to provide a copy of the submission to Council.

13.18 DRAG RACING EVENTS

Shire President Lynne Craigie stated that she recently learnt that the City of Albany are hosting drag racing events at the local airport via a special events permit. As drag racing events used to be very popular in Newman and are still talked about, she asked if this could be investigated for Newman.

Mr Rick Miller, Director Technical and Development Services to follow up with the City of Albany CEO and former organiser of drag racing events in Newman.

13.19 SOLAR POWER

Shire President Lynne Craigie noted that the City of Albany plans to use large areas of spare land at the airport to install solar panels. She asked if a similar venture could be investigated for Newman.

Mr Rick Miller, Director Technical and Development Services to follow up.

14 DATE OF NEXT MEETING

2 February 2018, Newman

15 CLOSURE

2.24 PM