

Unconfirmed copy of Minutes of
Meeting held on 13 April 2018 subject
to confirmation at meeting to be held
on 18 May 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, 13 APRIL, 2018.

Jeremy Edwards
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: _____
Jeremy Edwards
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:17 AM and welcomed the Visitors in the public gallery. Cr Jeton Ahmedi also welcomed the new CEO, Jeremy Edwards to his first official Council Meeting and acknowledged Sian Appleton and Rick Miller contributing to the extra work load while the Shire did not have a CEO.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Jeton Ahmedi	Deputy Shire President
Cr Michael Kitchin	Councillor
Cr Anthony Middleton	Councillor
Cr Lang Coppin OAM	Councillor
Cr Anita Grace	Councillor
Cr Biddy Schill	Councillor
Cr Craig Hoyer	Councillor
Cr Gerry Parsons	Councillor
Cr Dean Hatwell	Councillor

Officers

Mr Jeremy Edwards	Chief Executive Officer
Ms Sian Appleton	Deputy Chief Executive Officer
Mr Rick Miller	Director Technical and Development Services
Mrs Sheryl Pobrica	Executive Services Administration Officer

Public Gallery

Mr Colin Bastow	CEO - Shire of Wiluna
Cr Jim Quadrio	Shire President – Shire of Wiluna
Ms Sara Walker	Arts, Heritage and Tourism Coordinator – Shire of Wiluna
Mr Peter McCarthy	Superintendent - DFES
Mr Heath Nelson	Community Development – FMG
Mr Martin Drage	Manager – Operational Readiness – FMG
Mr Tom Weaver	Fortescue Metals Group – FMG
Mr Ryan Hanlon	WACHS – Newman Hospital
Mr Robert Green	General Public
Mrs Sue Michoff	BHP
Mr Brent Stein	Shire of East Pilbara

2.2 APOLOGIES

Councillor Apologies

Cr Lynne Craigie
Cr Carol Williams

Shire President Councillor

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 FORTESCUE METALS GROUP (FMG)

Mr Heath Nelson, Community Development, Mr Martin Drage, Manager Operational Readiness and Mr Tom Weaver provided Council with a presentation on FMG operations.

Cr Lang Coppin asked about FMG sponsorship, regarding eg: shade over the skate park. Mr Nelson replied the Shire or community groups are most welcome to apply for the FMG community grants, which are offered twice a year April and September, application forms can be found on FMG website.

The Presiding President, Cr Jeton Ahmedi thanked Mr Nelson, Mr Drage and Mr Weaver for their presentation.

10:57 AM *Mr Nelson, Mr Drage and Mr Weaver left the Chambers.*

5.2 DEPARTMENT OF FIRE AND EMERGENCY SERVICES (DFES)

Mr Peter McCarthy, DFES Superintendent provided further information to Council in conjunction with a MOU between SoEP and DFES as item 9.3.2

The Presiding President, Cr Jeton Ahmedi thanked Mr Peter McCarthy and Mr Brent Stein for their information.

11:21 AM *Mr McCarthy and Mr Brent Stein left the Chambers.*

11:21 AM Mr Ryan Hanlon left the Chambers.

5.3 SHIRE OF WILUNA

Cr Jim Quadrio, Shire President, Mr Colin Bastow, Chief Executive Officer and Ms Sara Walker, Arts Heritage Tourism from the Shire of Wiluna spoke to Council regarding the same problems the Shire of East Pilbara and the Shire of Wiluna have in common, eg: FIFO, Housing, Roads.

The Presiding President, Cr Jeton Ahmedi thanked Mr Quadrio, Mr Bastow and Ms Walker for visiting the Shire of East Pilbara and speaking with Council.

11:45 AM Mr Quadrio, Mr Bastow, and Ms Walker left the Chambers.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes March 09 2018 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/151

MOVED: Cr Anita Grace

SECONDED: Cr Craig Hoyer

THAT the minutes of the Ordinary Meeting of Council held on 9 March 2018, be confirmed as a true and correct record of proceedings with the following amendment for the front cover page to delete Newman and replace with Marble Bar as the Ordinary Council meeting for March 2018 was held in Marble Bar.

CARRIED
RECORD OF VOTE: 9- 0

To be actioned by Mr Jeremy Edwards, Chief Executive Officer

7.2 PILBARA REGIONAL COUNCIL SPECIAL MINUTES

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/152

MOVED: Cr Michael Kitchin

SECONDED: Cr Gerry Parsons

THAT the minutes of the Pilbara Regional Council (PRC) Special Meeting of Council held on 26 March 2018, be received as attached.

CARRIED
RECORD OF VOTE: 9 - 0

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Craig Hoyer attended:

- LEMC Newman April Meeting

Cr Anthony Middleton attended:

- Nil

Cr Michael Kitchin attended:

- Nil

Cr Dean Hatwell attended:

- NCCI Sundowner FMG – 12/04/2018
- Age and Dementia Strategy – Marble Bar

Cr Lang Coppin attended:

- Volunteer VFES meeting Marble Bar
- Age and Dementia Strategy – Marble Bar

Cr Anita Grace attended:

- PRC Meeting Perth 22/02/2018
- PRC Special Meeting Perth 26/03/2018

Cr Gerry Parsons attended:

- Harmony Day Welcome
- NCCI Meetings
- NCCI Awards Night
- FMG Sundowner – 12/04/2018

Cr Biddy Schill attended:

- Age and Dementia Strategy Nullagine 09/04/2018

Cr Jeton Ahmedi attended:

- Nil

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER- STATUS OF COUNCIL DECISION MARCH 2018

File Ref: CLR-4-5
Responsible Officer: Mr Jeremy Edwards
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 13 April 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil
10:53 AM Cr Anita Grace left the 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 in 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: 201718/153

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT the Chief Executive Officer “Status of Council Decisions” Report for the month of March 2018 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
25 August 2017	12.1.2	AVIAIR PILBARA-RPT AIR SERVICE MOU	CEO		On Going	Brendon Grylls will be presented at the Pilbara Kimberley Forum
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. Chief Executive Officer to follow up.	CEO	Letter sent awaiting on response	April 2018	
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 sponsorship e.g. Rio Tinto, Millennium, FMG, Roy Hill, e.g. Marble Bar Skate Park, Marble Bar Golf Course, shade over community facilities, Nullagine. Chief Executive Officer to follow up.	CEO	The Executive Team met with Millennium / Roy Hill – awaiting further response. No other responses received.	April 2018	
8 December	9.1.4	ALTERNATIVE	ESAO	Letter has been	Gazetted for	Completed

**SHIRE OF EAST PILBARA
ORDINARY COUNCIL MEETING MINUTES**

13 APRIL, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
2017		QUEEN'S BIRTHDAY PUBLIC HOLIDAY 2018		sent to the department 13/12/2017 by ESAO – waiting for approval and gazetted for advertising the dates	Newman Area and will be advertised in NW April 2018 & on the Notice Boards	
8 December 2017	9.1.5	LOCAL GOVERNEMENT ACT 1995 REVIEW: PHASE 1	CES		Now Closed	
9 March 2018	11.1.1	PILBARA KIMBERLEY FORUM 2018	ESAO	Received names of Councillors who are attending for booking registrations and flights	Attending J Edwards L Craigie G Parsons J Ahmed A Middleton C Hoyer C Williams M Kitchin B Schill A Grace	Completed

**CARRIED
RECORD OF VOTE: 8- 0**

To be actioned by Mr Jeremy Edwards, Chief Executive Officer

9.1.2 WA LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2018

File Ref: **CLR 5-2**
Responsible Officer: **Mr Jeremy Edwards**
Chief Executive Officer
Author: **Mrs Sheryl Pobrica**
Executive Services Administration Officer
Proposed Meeting Date: **13 April 2018**
Location/Address: **N/A**
Name of Applicant: **N/A**
Author Disclosure of Interest: **Nil**

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2018.

BACKGROUND

WALGA has advised the 2018 WA Local Government Convention and Trade Exhibition will be held at the Perth Convention and Exhibition Centre (PCEC) from Wednesday, 1st August to Friday, 3rd August 2018.

The format of the 2018 Convention

Wednesday, 1 August

9:30am - 12:30pm State and Local Government Forum
1:30pm - 5:00pm AGM
5:00pm - 6:30pm Opening Welcome Reception

Thursday, 2 August

9:00am - 5:00pm Conference Sessions
7:00pm - 10:30pm Gala Dinner

Friday, 3 August

8:00am - 9:15am Convention Breakfast
9:30am - 3:30pm Conference Sessions

Entries in the Banners in the Terrace Competition will be displayed along St Georges and Adelaide Terraces from Sunday, 22 July – Saturday, 4 August.

For further information, please contact Ulla Prill, Marketing and Events Officer on (08) 9213 2043 or email uprill@walga.asn.au

The 2018 WALGA Annual General Meeting (AGM) starting at 1.30pm, Wednesday 1st August 2017, which the Shire of East Pilbara requires two voting delegates to attend.

The Local Government Convention and Trade Exhibition will commence Thursday 2nd and Friday 3rd August 2018.

The Annual Gala Dinner will take place on the evening of Thursday 2nd August 2018 instead of Friday.

Copies of the WA Local Government Convention and Trade Exhibition program will be distributed to Councillors once it has been finalised.

In 2017, six (6) Councillors, Cr Grace, Cr Coppin, Cr Kitchin, Cr Carter, Cr Parsons, Shire President Craigie and Allen Cooper, Chief Executive Officer attended the event.

It is also a good opportunity for Councillors to attend training sessions prior to and after the convention.

Shire of East Pilbara Councillors and staff have stayed for many years at the Pan Pacific, staying in a Club King Room \$310p/night this has not increased for more than three years or there is Club Suites Room \$390p/n and the WA Local Government Convention have also received costs on accommodation as below.

Accommodation

To assist with your accommodation arrangements, detailed below are some options within the central business district.

*Please note: The Convention Gala Dinner will be held on **Thursday, 2 August 2018**.*

Adina Apartments, opposite PCEC

Contact:	Jeffrey Tan	
	(p) 08 9217 8000	(e) perth@adinahotels.com.au
Rate from:	\$365	

Comfort Inn & Suites Goodearth Perth, 195 Adelaide Terrace, Perth

Contact:	Reservation	
	(p) 08 9221 1956	(e) stay@goodearthhotel.com.au
Rate from:	\$135 (includes breakfast and parking)	

Citadines, 184 St George's Terrace, Perth

Contact:	Lorraine George	
	(p) 03 9660 5463	(e) lorraine.george@the-ascott.com
Rate from:	\$185	

Hyatt Regency, 99 Adelaide Terrace, Perth

Contact:	Reservations	
	(p) 131 234	(e) pacific.reservations@hyatt.com
Rate from:	\$210	

Ibis Hotel Perth, 334 Murray Street, Perth

Contact:	Reservations	
	(p) 08 9322 2844	(e) h1773@accor.com
Rate from:	\$179	

Mercure Hotel, 10 Irwin Street, Perth

Contact:	Reservations	
	(p) 08 9326 7000	(e) h1754@accor.com
Rate from:	\$199	

Mounts Bay Waters Apartment Hotel, 112 Mounts Bay Road, Perth

Contact:	Reservations	
	(p) 08 9213 5333	(e) perth@moundsbay.com.au
Rate from:	\$190	

The Peninsula Riverside Serviced Apartments, 53 South Perth Esplanade, South Perth

Contact:	Reservations	
	(p) 08 9368 6688	(e) reception@thepeninsula.net
Rate from:	\$175	

Novotel Hotel, 221 Adelaide Terrace, Perth

Contact:	Reservations	
		(e) h1764@accor.com
Rate from:	\$210	

Pan Pacific Hotel, 207 Adelaide Terrace, Perth

Contact:	Reservations	
	(p) 08 9224 7766	(e) group.ppper@panpacific.com
Rate from:	\$210	

Parmelia Hilton, Mill Street, Perth

Contact:	Catherine Kamp	
	(p) 08 9215 2403	(e) Catherine.Kamp@hilton.com
Rate from:	\$275 ③	

Quest Apartment Hotel Mounts Bay Road, 130 Mounts Bay Road, Perth

Contact:	Reservations	
	(p) 08 9480 8100	(e) questmountsbayroad@questapartments.com.au
Rate from:	20% discount on the Quest Best Rate	

Rendezvous Studio Hotel, Perth Central, 24 Mount Street, Perth

Contact:	Reservations	
	(p) 08 9481 0866	(e) reservations.perthC@rendezvoushotels.com
Rate from:	\$165	

Sage Hotel West Perth, Cnr Hay Street and Ventnor Avenue, West Perth

Contact:	Reservations	
	(p) 08 6500 9100	(e) Reservationsmanager.Perth@sage-hotels.com
Rate from:	\$185	

COMMENTS/OPTIONS/DISCUSSIONS

WA Local Government Convention and Trade Exhibition is also an opportunity for the Shire President and the Chief Executive Officer to meet with Ministers, Government agencies and others, if required.

Early indication of attendance allows staff to pre-book accommodation and flights at the cheapest possible rate; it also allows Councillors to book annual leave with their employer.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy Manual 2017-2018

1.6 Dress Code for Councillors Representing Council on External Business and Events

Responsible Directorate	Executive Services
Responsible Officer	Chief Executive Officer
File Number	CLR 4-6

Objective

In addition to the dress standard for Council Chambers (Item No: 9.1.13 Dated 27th June 2003) as described in the Councillors handbook, it is also appropriate to establish an acceptable dress standard for all Councillors attending or representing Council business at external functions and events.

The manner in which Councillors are dressed on official business can have a profound effect on the image of the Shire of East Pilbara. A good quality uniform will assist in building a professional image of the Shire and assist external sources to identify Shire Councillors.

Policy

1. Councillors will be issued a pair of shirts with the inclusion of the Shire logo on all uniform pieces.
2. All uniforms provided by and financed by the Shire of East Pilbara will be regarded as the Councillor Corporate Wardrobe. This will be subsidised by the Shire or processed through the Shire's financial and distribution system.
3. All Councillors provided with Corporate Uniforms must wear the uniform at all Councils functions and events (internal or external business and meetings) on a regular basis.
4. Councillors are not to wear Corporate Uniforms for personal use.
5. Councillors are able to purchase additional clothing other than that supplied by the Council. They will be responsible for the full costs of these additional uniforms.
6. Each Councillor is responsible for repairs, alterations and cleaning of supplied uniforms.
7. All items provided must be cleaned as per instructions on the label.

STRATEGIC COMMUNITY PLAN

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of attendance for the 2018 WA Local Government Convention and Workshop is budgeted for each year, for Councillors under account number GL# 41007 for Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL# 41103 Conference and Seminar Expenses. These costs will be covered in the budget 2018/19.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchin

THAT:

1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer to attend the WA Local Government Association (WALGA) Convention and Trade Exhibition 2018 on Thursday 2nd & Friday 3rd of August 2018, on behalf of the Shire of East Pilbara; and
2. The Deputy Shire President, Cr Jeton Ahmed and Cr _____ to be Council's voting delegates at the WALGA Annual General Meeting on Wednesday 1st August 2018.

AMENDEMENT

MOVED: Cr Lang Coppin

SECONDED: Cr Biddy Schill

THAT part 1 be amended by deleting "all other interested Councillors" and inserting "up to 3 councillors and that part 2 be amended by deleting "Cr _____" and inserting "one other Councillor".

**LOST
RECORD OF VOTE: 3 - 5**

COUNCIL RESOLUTION: 201718/154

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchin

THAT:

1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer to attend the WA Local Government Association (WALGA) Convention and Trade Exhibition 2018 on Thursday 2nd & Friday 3rd of August 2018, on behalf of the Shire of East Pilbara; and
2. The Deputy Shire President, Cr Jeton Ahmed and one other Councillor to be Council's voting delegates at the WALGA Annual General Meeting on Wednesday 1st August 2018.

**CARRIED
RECORD OF VOTE: 5 - 3**

Cr Gerry Parsons and Cr Michael Kitchin agreed to include "one other Councillor" in dot point 2.

A Councillor who is attending the WALGA conference will be chosen to attend the AGM at a closer time.

Cr Biddy Schill and Cr Lang Coppin requested to be recorded against the vote.

To be actioned by Mr Jeremy Edwards, Chief Executive Officer

**9.1.3 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -
CHIEF EXECUTIVE OFFICER**

File Ref: ADM-1-1
Responsible Officer: Mr David Kular
Manager Human Resources
Author: Mr David Kular
Manager Human Resources
Proposed Meeting Date: 13 April 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

An Interest was declared by Mr Jeremy Edwards for Item No. 9.1.3

Nature of Interest: Financial

*Extent of Interest: Direct - Mr Jeremy Edwards is the current Chief Executive Officer
12:15 PM Mr Jeremy Edwards left the Chambers.*

REPORT PURPOSE

To note the approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Chief Executive Officer.

BACKGROUND

Council has employed Mr Jeremy Edwards, to the position of Chief Executive Officer. The term of the contract is for three years, from 12th March 2018, and expiring on 11th March 2021.

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 the Shire President, and Deputy Shire President'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: 201718/155

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council note the common seal be affixed to the employment contract between the Shire of East Pilbara and Mr Jeremy Edwards, Chief Executive Officer for a term of three years (3) from 12th March 2018 to 11th March 2021.

**CARRIED
RECORD OF VOTE: 8 - 0**

To be actioned by Mr David Kular, Manager Human Resources

**9.1.4 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER PROCUREMENT AND ASSETS**

File Ref: ADM-1-1
Responsible Officer: Mr Jeremy Edwards
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Proposed Meeting Date: 13 April 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil
12:16 pm Mr Jeremy Edwards returned to the Chambers

REPORT PURPOSE

To note the approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Procurement and Assets.

BACKGROUND

Council has extended the employment contract for Mr Ben Lewis, Manager Procurement and Assets. The term of the contract is for three years, from 7th April 2018, and expiring on 6th April 2021.

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: 201718/156

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council note the common seal be affixed to the employment contract between the Shire of East Pilbara and Mr Ben Lewis, Manager Procurement and Assets for a term of three years (3) from 7th April 2018 to 6th April 2021.

**CARRIED
RECORD OF VOTE: 8- 0**

To be actioned by Mr David Kular, Manager Human Resources

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER - STATUS OF COUNCIL
DECISIONS MARCH 2018**

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: 13 April 2018
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 in 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: 201718/157

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of March 2018 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICERS	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
28 July 2017	13.2	NULLAGINE CARAVAN PARK Cr Biddy 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 Biddy 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	April 2018	Still to be completed
27 October 2017	11.2.4	PROPOSAL TO DEVELOP A RECONCILIATION ACTION PLAN	MCW	RAP Commenced.		Completed
27 October 2017	15.8	GALLOP HALL TOILET BLOCK Cr Biddy 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		Completed

**SHIRE OF EAST PILBARA
ORDINARY COUNCIL MEETING MINUTES**

13 APRIL, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICERS	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
8 December 2017	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.	DCEO	Coordinator Governance following up	March 2018	Completed
8 December 2017	13.8	OUNCILLOR 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.	DCEO	With the Media Relations Department	May 2018	On-going
9 March 2018	3.2.2	TOILET BLOCKS AT GALLOP HALL AND CARAVAN PARK NULLAGINE Cr Biddy Schill	MAP	Allegedly these premises have been assessed could we have a result and plans for the refurbishment. Ms Sian Appleton, Acting Chief Executive Officer response: Gallop Hall new toilet block is in the agenda for consideration. Mr Ben Lewis, Acting Director Community Services response: An initial site audit has been completed; this information will form part of the report to be present to Council at the April meeting.	May 2018	Please see item one – 13.2
9 March 2018	9.2.3	AUDIT COMMITTEE REPORT 22 FEBRUARY 2018	MCS			Completed

**SHIRE OF EAST PILBARA
ORDINARY COUNCIL MEETING MINUTES**

13 APRIL, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICERS	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
9 March 2018	9.2.4	BUDGET REVIEW AS AT 31 JANUARY 2018	MCS			Completed
9 March 2018	9.2.5	COMMUNITY ASSISTANCE GRANTS - ROUND TWO 2017/18	MCW			Completed
9 March 2018	9.2.6	AWARD OF RFT03-2017/18 ART MATERIALS MARTUMILI	MMA			Completed
9 March 2018	9.2.7	MARTU CHRISTIAN FELLOWSHIP LEASE FOR RESERVE 48297 & 48298, 26-28 COWRA DRIVE, NEWMAN	CPS			Completed
9 March 2018	9.2.8	NEWMAN VETS INC - AFFIX COMMON SEAL TO THE LEASE AGREEMENT FOR CLUBROOMS AT CAPRICORN OVAL, LOT 995, RESERVE 409370	CPS			Completed
9 March 2018	9.2.9	RATES EXEMPTION - FREE MASONS CAPRICORN LODGE	RRO			Completed

**CARRIED
RECORD OF VOTE: 8 - 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: **13 April 2018**

Location/Address: **N/A**

Name of Applicant: **N/A**

Author Disclosure of Interest: **Nil**

12:21 PM Cr Biddy Schill left Chambers.

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 9th March, 2018.

BACKGROUND

There were three documents that have had the Shire's Common Seal affixed under delegated authority, since the last Council meeting.

COMMENTS/OPTIONS/DISCUSSIONS

Document	Details	Parties	Synergy TC No.
Contract	Patio, Fencing & Pathways 1 Ella Street & Fencing Works to 3 Ella Street	Wideglide Constructions	TC2018585
Contract	Capital Upgrade Works to 1 Beeton Street, Nullagine	Wideglide Constructions	TC2018591
Contract	Capital Upgrade Works to 3 Kurra Street, Newman	Wideglide Constructions	TC2018590

- Contract – Awarded to Wideglide Constructions for patio, fencing and pathways works to 1 Ella Street, and fencing works to 3 Ella Street, Newman.
- Contract – Awarded to Wideglide Constructions for a kitchen, bathroom and laundry upgrade, internal painting and new bearers to 1 Beeton Street, Nullagine
- Contract – Awarded to Wideglide Constructions for a bathroom, toilet and laundry upgrade, and tiling to the lounge and dining areas to 3 Kurra Street, Newman.

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: 201718/158

MOVED: Cr Anthony Middleton

SECONDED: Cr Craig Hoyer

THAT Council receive the report detailing where the Common Seal has been affixed under delegated authority to the:-

1. Contract – Awarded to Wideglide Constructions for patio, fencing and pathways works to 1 Ella Street, and fencing works to 3 Ella Street, Newman.
2. Contract – Awarded to Wideglide Constructions for a kitchen, bathroom and laundry upgrade, internal painting and new bearers to 1 Beeton Street, Nullagine
3. Contract – Awarded to Wideglide Constructions for a bathroom, toilet and laundry upgrade, and tiling to the lounge and dining areas to 3 Kurra Street, Newman.

CARRIED
RECORD OF VOTE: 7 - 0

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

9.2.3 ADOPTION OF PROPOSED FEES AND CHARGES 2018/2019

File Ref: FIN 12-1
Attachments: [Fees and Charges 2018 2019 Working Sheet pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Noelene Holmes
Coordinator Financial Services
Proposed Meeting Date: 13 April 2018
Location/Address:
Name of Applicant: N/A
Author Disclosure of Interest: Nil
12:23 PM Cr Dean Hatwell left Chambers.

REPORT PURPOSE

To seek Council endorsement of the proposed fees and charges to apply for the budget year 2018/2019 as attached (under separate cover).

BACKGROUND

Section 6.16 of the *Local Government Act, 1995*, enables Council to apply fees and charges to the services it provides. The schedule, as tabled, proposes fees and charges for in-principal adoption only at this stage and will assist in the preparation of the 2018/2019 budget. Formal adoption of the fees and charges will be included as part of the budget adoption process.

COMMENTS/OPTIONS/DISCUSSIONS

The schedule of Fees and Charges are under a separate cover.

STATUTORY IMPLICATIONS/REQUIREMENTS

Compliance with Section 6.16 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

RISK MANAGEMENT CONSIDERATIONS

Should Council not adopt the fees and charges in principle, the new fees and charges will not be in effect from the 1st July, 2018.

FINANCIAL IMPLICATIONS

To be advised in the 2018/2019 annual budget.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/159

MOVED: Cr Michael Kitchin

SECONDED: Cr Craig Hoyer

THAT Council

- 1. Approve the proposed schedule of fees and charges;**
- 2. Include fees and charges in Council's 2018/2019 annual budget.**
- 3. Note the change to the domestic bins (waste & recycling) charge to remain at \$260.00 for the 2018/19 annual budget.**

**CARRIED ABSOLUTE MAJORITY
RECORD OF VOTE: 6- 0**

To be actioned by Mrs Noelene Holmes, Coordinator Financial Services

9.2.4 DRAFT 2018/2019 DIFFERENTIAL RATING MODEL

File Ref: FIN-22-1
Attachments: [Objects and Reasons 2018-19.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Lisa Davis
Manager Corporate Services
Proposed Meeting Date: 13 April 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:25 PM Cr Dean Hatwell returned to the Chambers

REPORT PURPOSE

For Council to consider the draft differential rating model for the 2018/2019 financial year for the purpose of advertising and seeking public submissions.

BACKGROUND

Council sets its budget in July each year. A key component of the setting the budget is the consideration of rate revenue for the year to meet the estimate of the budget deficiency as set out in the Local Government Act 1995.

Council has adopted a process of differential rating since the 2006/2007 budget whereby different rates are set for different land uses. It is proposed to continue with a differential rating strategy in 2018/2019 as set out in Council's 2017/18 Rating Strategy accepted by Council at the March 2017 Council meeting.

This approach is also consistent with Council's Long Term Financial Plan.

COMMENTS/OPTIONS/DISCUSSIONS

As part of the budget process operating income and expenditure has been reviewed. This review has included projected changes to income and expenditure, efficiency measures and proposed capital works. The differential rating model directly influences Council's ability to fund its expenditure requirements in the 2018/2019 budget.

Currently Council's adopted Long Term Financial Plan includes a 4.0% rate increase for the 2018/2019 year however sound financial management means that Council can adopt a lower increase based on proposed expenditure including capital, and projected revenues. It is therefore possible to adopt a balanced budget with a 3.0% increase in the rate in the dollar across all categories.

The Shire of East Pilbara underwent a General Valuation in August 2017 which will come into force on 1 July 2018. Approximate valuation changes are listed below:

Newman Residential	Down	40 – 60%
Nullagine Townsite	Down	30 – 50%
Marble Bar Residential	Down	20 – 40%
Town Centre	Down	15 – 25%
Transient Workforce	Down	Various
Industrial	Down	Various

The proposed rates in the dollar attempts to balance the need for revenue to fund essential services and capital, with the desire to minimise the impact that rates have on ratepayers. To realise a 3% increase in overall rate income, calculations were undertaken prior to the revaluation to obtain this. Revaluations were then uploaded into the system and each land use modelled to create a similar revenue base. The proposed rates in the dollar will generate sufficient funds to continue to provide services and facilities at the current level and also allow for necessary renewal of assets. Limited new services and infrastructure, in line with the Community Strategic Plan, have also been considered and provided where possible.

Table One – Comparison 2017/18 differential rates to proposed 2018/19 differential rates

Category	2017-18 Rate in Dollar	2018-19 Rate in Dollar Proposed	2017-18 Minimum	2018-19 Minimum
Gross Rental Value – Industrial	1.5901	1.8998	\$663	\$663
Gross Rental Value – Town Centre	4.4963	5.7426	\$663	\$663
Gross Rental Value – Nullagine Townsite	4.4805	7.3662	\$265	\$265
Gross Rental Value – Transient Workforce	4.4963	6.8077	\$663	\$663
Gross Rental Value – Other	3.1645	7.3662	\$663	\$663
Unimproved Value – Pastoral/Special Leases	5.9121	6.0894	\$230	\$230
Unimproved Value – AML Leases	17.7505	18.2830	\$230	\$230
Unimproved Value – Mining Leases	17.7505	18.2830	\$230	\$230
Unimproved Value – General Leases	17.7505	18.2830	\$230	\$230
Unimproved Value – Petroleum Leases	17.7505	18.2830	\$230	\$230
Unimproved Value – Exploration Leases	17.7505	18.2830	\$230	\$230
Unimproved Value – Prospecting Leases	17.7505	18.2830	\$230	\$230

If accepted, this rating will require Ministerial approval for both GRV and UV's.

"In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it."

Based on the current rating information the proposed differential rating model would raise \$12 million in the 2018/2019 year compared to \$11.5 million in the 2017/2018 year.

Before Council can establish a differential rating model, the proposed differential rates together with the objects of imposing differential rates and reasons for each rate must be advertised for a minimum period of 21 days. This period of advertising allows ratepayers to consider the proposed rates and make any submissions prior to Council considering the adoption of differential rates as part of the budget approval process. The advertising process does not prevent Council from amending the rate model at budget adoption.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;

or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

Section 6.36. - Local government to give notice of certain rates

(1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so

(2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).

(3) A notice referred to in subsection (1) —

(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;

(b) is to contain —

(i) details of each rate or minimum payment the local government intends to impose; (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and

(iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;

And

(c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

(4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

(5) Where a local government –

(a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or

(b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

It is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

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

1.1.2 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

Council's must consider its ability to fund expected outcomes in the Community Strategic Plan.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/160

MOVED: Cr Michael Kitchin

SECONDED: Cr Dean Hatwell

THAT Council

- 1. Endorse the advertising of the Council's intention to levy the following differential rates in 2018/2019**

Category	2018-19 Rate in Dollar Proposed	2018-19 Minimum
Gross Rental Value – Industrial	1.8998	\$663
Gross Rental Value – Town Centre	5.7426	\$663
Gross Rental Value – Nullagine Townsite	7.3662	\$265
Gross Rental Value – Transient Workforce	6.8077	\$663
Gross Rental Value – Other	7.3662	\$663
Unimproved Value – Pastoral/Special Leases	6.0894	\$230
Unimproved Value – AML Leases	18.2830	\$230
Unimproved Value – Mining Leases	18.2830	\$230
Unimproved Value – General Leases	18.2830	\$230
Unimproved Value – Petroleum Leases	18.2830	\$230
Unimproved Value – Exploration Leases	18.2830	\$230
Unimproved Value – Prospecting Leases	18.2830	\$230

- 2. Endorse the Objects and Reasons for the proposed differential rates as presented;**
- 3. Confirm the deviation from the rating strategy contained in the current Corporate Business Plan and Long Term Financial Plan at a 4% increase, be reduced to a 3% increase in response to changing economic conditions in the district;**
- 4. Apply to the Minister for Local Government for approval to impose differential rates that exceed the statutory two times limit in the GRV and UV categories for the 2018/2019 financial year.**

**CARRIED
RECORD OF VOTE: 7 - 0**

To be actioned by Mrs Lisa Davis, Manager Corporate Services

9.2.5 FRAUD & CORRUPTION PREVENTION POLICY & PLAN

Attachments: [Fraud and Corruption Prevention Policy amended docx](#)
[Fraud and Corruption Prevention Plan 2018 docx](#)

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

Author: **Mrs Kylie Bergmann**
Coordinator Governance

Proposed Meeting Date: **13 April 2018**

Location/Address: **N/A**

Name of Applicant: **N/A**

Author Disclosure of Interest: **Nil**

12:28 PM Cr Biddy Schill returned to the Chambers

ADDENDUM ORDINARY MEETING OF COUNCIL – 13TH APRIL 2018

Additional Information:

Subsequent to circulation of the Agenda for this meeting, the CEO has suggested that we highlight 5 priorities from the Fraud & Corruption Prevention Plan that we work towards for the next 12 months.

Many of the actions from the Fraud & Corruption Prevention Plan are tasks which we already perform on a regular basis. Therefore, we have highlighted 5 priorities which are project based. The 5 priorities are:

1. Fraud & corruption control responsibilities be incorporated into the performance management system.
2. Preventing fraud and corruption should be specified in the position description of line managers.
3. Communicate fraud and corruption awareness through the staff newsletter.
4. Revalidation checks of criminal history (police clearance) every 5 years.
5. Consider developing a policy of mandatory reporting of known or suspected fraud or corruption.

REPORT PURPOSE

For Council to endorse changes to the Fraud & Corruption Prevention Policy & Plan.

BACKGROUND

The Fraud & Corruption Prevention Policy (“Policy”) was adopted by Council on 28 June 2013, following the Corruption and Crime Commission’s (“CCC”) ‘Report on the Review of the Capacity of Local Governments in the Pilbara to Prevent, Identify and Deal with Misconduct’ (“the Report”).

The Fraud & Corruption Management Plan (“Plan”) was endorsed by Council on 27 September 2013.

No review of the Policy or Plan has been undertaken since their adoption in 2013.

COMMENTS/OPTIONS/DISCUSSIONS

The Policy has been reviewed with some minor changes. Amended copy **attached** for your reference.

The Plan has undergone a complete re-write. The new Plan follows the Australian Standard 8001-2008 on Fraud and corruption control and comprises four stages: planning and resourcing; prevention; detection; and response.

It details the practical steps we will undertake in order to achieve our goals outlined in the Policy. These have been carefully considered to ensure an appropriate level of accountability, as well as making our goals achievable and realistic. This will also make the auditing and review process easier.

A copy of the Plan is **attached** for your reference.

STATUTORY IMPLICATIONS/REQUIREMENTS

There is no statutory requirement for Local Government's to have a Fraud & Corruption Prevention Policy or Plan. However, we chose to adopt a Fraud & Corruption Policy/Plan following the CCC's recommendations in their Report.

POLICY IMPLICATIONS

1.15 FRAUD AND CORRUPTION PREVENTION POLICY

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

It is important that the Fraud & Corruption Prevention Policy & Plan is reviewed regularly to minimise the Shire's exposure to this kind of risk. Amendments have been made to the Policy to ensure that it is reviewed at least every 2 years.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. Endorse changes to the Fraud & Corruption Prevention Policy, as attached.
2. Endorse changes to the Fraud & Corruption Prevention Plan, as attached.

COUNCIL RESOLUTION: 201718/161

MOVED: Cr Craig Hoyer

SECONDED: Cr Michael Kitchin

THAT Council:

1. Endorse changes to the Fraud & Corruption Prevention Policy, as attached.
2. Endorse changes to the Fraud & Corruption Prevention Plan, as attached.
3. Highlight the following 5 priorities for the following 12 months:
 - a. Fraud & corruption control responsibilities be incorporated into the performance management system.
 - b. Preventing fraud and corruption should be specified in the position description of line managers.
 - c. Communicate fraud and corruption awareness through the staff newsletter.
 - d. Revalidation checks of criminal history (police clearance) every 5 years.
 - e. Consider developing a policy of mandatory reporting of known or suspected fraud or corruption.

CARRIED
RECORD OF VOTE: 8 - 0

Reason for Non Acceptance of Officer's Recommendation: Council included item 3 which highlights the 5 priorities from the Fraud & Corruption Prevention Plan that the Shire of East Pilbara will work towards for the next 12 months.

To be actioned by Mrs Kylie Bergmann, Coordinator Governance

9.2.6 MONTHLY FINANCIAL REPORT - FEBRUARY 2018

Attachments: [February 2018 Variance Report.pdf](#)
[Financial Report February 2018 pdf](#)

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

Author: **Mrs Noelene Holmes**
Coordinator Financial Services

Proposed Meeting Date: **13 April 2018**

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 12-page report details the financial activities of the Council for the period 1st July 2017 to 28th February 2018 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: 201718/162

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

That the monthly financial statements for the period 1st July 2017 to 28th February 2018 of the 2017/2018 financial year as presented be received.

CARRIED
RECORD OF VOTE: 8- 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_EFT.pdf](#)
[Schedule of Accounts_CHQ.pdf](#)
[Schedule of Accounts_Directs.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Memory Mandaza
Expenditure Finance Officer

Proposed Meeting Date: 13 April 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

12:37 PM Cr Gerry Parsons left the Chambers.
12:39 PM Cr Gerry Parsons returned to the Chambers.

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 09 March 2018.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT# 42524 - # 43042	3,214,968.02
	Total	\$3,214,968.02
Cheque Payments	CHQ# 24501 - # 24526	9,166.79
Direct Debits	DD11523.1 – DD11576.1	102,495.69
Manual Cheques	-	0
	Total	\$111,662.48
	GRAND TOTAL	\$3,326,630.50

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

CHQ# 24519

EFT# 42825

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 \$3,326,630.50

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION: 201718/163

MOVED: Cr Michael Kitchin

SECONDED: Cr Anthony Middleton

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT# 42524 - # 43042	3,214,968.02
	Total	\$3,214,968.02
Cheque Payments	CHQ# 24501 - # 24526	9,166.79
Direct Debits	DD11523.1 – DD11576.1	102,495.69
Manual Cheques	-	0
	Total	\$111,662.48
	GRAND TOTAL	<u>\$3,326,630.50</u>

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mrs Memory Mandaza, Expenditure Finance Officer

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES - STATUS OF COUNCIL DECISIONS MARCH 2018

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: 13 April 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:50 PM Meeting adjourned for lunch.
1:00 PM Cr Anita Grace returned to the Chambers
1:22 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 in 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: 201718/164

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT the Director Technical and Development Services “Status of Council Decisions” Report for the month of March 2018 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
28 Jul 2017	11.2.1	DESERT ROAD MASTER PLAN Project Implementation - Cr Lang Coppin	DTDS MTSR	<i>Refer to Information Bulletin Letters seeking support funding has been sent to various mining companies and awaiting responses. No responses have been received or external funding provided.</i>	Ongoing	
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter	DTDS Ian H	<i>Refer to Information Bulletin Officers to develop RFQ to prepare business case and detailed design and costings</i>	Jun 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.	MDS-P DTDS	NCCI would like an information business sign installed at the main town entry information bay on Kalgan Drive. Shire to draft up concept design and costings. Further discussions required on how to fund.	Jun 2018	

**SHIRE OF EAST PILBARA
ORDINARY COUNCIL MEETING MINUTES**

13 APRIL, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
2 February 2018	13.3	CARDBOARD COLLECTION WOOLWORTHS Cr Anita Grace advised the Woolworths flat and packed their cardboard for recycling back to Perth. Can the Shire be involved with this? Mr Rick Miller, Director Technical and Development Services to following up.	MTSH	<p>1. We will assess this in regards to the new Waste Services Contract.</p> <p><i>We have investigated external options with Woolworths, but we will be contractually bound upon signing of the MRF contract and cardboard will be one of their primary revenue streams, so we will leave it to the contractor to process cardboard, as it will be done efficiently by them.</i></p> <p>2. We will also contact Woolworths/Contractor to get more detailed information on their arrangement in regards to the cardboard recycling.</p> <p><i>They use internal baler to bale up all cardboard. It gets loaded into Centurion trucks on pallets for backload to Perth. He believes they get a rebate on the cardboard but is unsure of the details. We cannot be part of their contract.</i></p>	Complete	
9 March 2018	3.1.1	BUSH FIRE BRIGADE – NEWMAN Cr Anita Grace	DTDS MCS	<p>On the 5th February 2018 Cr Anita Grace called as a query was raised by a member of the public regarding Newman setting up a Bush Fire Brigade in conjunction with the Newman Fire Volunteers.</p> <p>Mr Rick Miller, Director Technical and Development Services replied the Shire is still investigating and will report back to Council in April with a recommendation.</p> <p><i>A response is in an agenda item going to Council in April 2018.</i></p>	Complete	
9 March 2018	3..2.1	NULLAGINE TOWN PARK Cr Biddy Schill	DTDS	<p>Requested a definitive completion date on works at the Nullagine Town Park.</p> <p>Mr Rick Miller, Director Technical and Development Services response:</p> <p><i>The project is now complete</i></p>	Complete	
9 March 2018	3.2.3	CALOTROPIS DECLARED WEED Cr Biddy Schill	DTDS	<p>Calotropis is a declared weed and ten years ago was hardly ever seen in the Pilbara now; it is along the river banks and bush area. Can the Council contact the Department of Agriculture regarding the controlling of weed.</p> <p>Mr Rick Miller, Director Technical and Development Services commented that it should be the land owner or district committee that deal with the weed and report to the</p>	April 2018	

**SHIRE OF EAST PILBARA
ORDINARY COUNCIL MEETING MINUTES**

13 APRIL, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
				Department of Agriculture if applicable. Cr Schill said it may be possible for the KJ Rangers to take the project on. DTDS to contact KJ regarding if this may be possible. <i>Report to be tabled at meeting.</i>		
9 March 2018	9.3.2	DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD OR REJECT TENDERS FOR PERIOD TO 13 APRIL 2018 - RF10 201718	MTS-N	Awarded to Fulton Hogan on 23rd March 2018 for the value of \$518,096 (EX GST) with works to be completed in April/May 2018.	Complete	
9 March 2018	9.3.3	AMENDING THE FEES AND CHARGES FOR THE NEWMAN TOWN SQUARE AND THE EDGE FOR CO-WORKING	MDS-P	Advertised in the Northwest Telegraph 04/04/2018	Complete	Completed
9 March 2018	9.3.4	REQUEST TO SPONSOR THE 2018 KARIJINI EXPERIENCE	MDS-P	Agreements signed and sent	Complete	
9 March 2018	9.3.5	EUROPCAR LEASE - NEWMAN AIRPORT	MDA	Agreements advertised	Complete	
9 March 2018	9.3.6	THRIFTY CAR RENTAL LEASE AT NEWMAN AIRPORT	MDA	Agreements advertised	Complete	
9 March 2018	11.2.1	RESPONSE REGARDING DRAG RACES AT NEWMAN AIRPORT	DTDS	Ms Sian Appleton, Acting Chief Executive Officer, tabled the response from CASA regarding holding the Drag Races at Newman Airport Officer's Recommendation/Council Resolution: 201718/150 MOVED: Cr Gerry Parsons SECONDED: Cr Anthony Middleton THAT Council engage a consultant to perform a risk assessment and develop a business case regarding holding the Drag Races at Newman Airport, for a limited period of time, for an amount within the current budget for this purpose.	May 2018	

**CARRIED
RECORD OF VOTE: 9- 0**

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

9.3.2 MEMORANDUM OF UNDERSTANDING BETWEEN DFES AND SHIRE OF EAST PILBARA - TRANSFER OF BUSHFIRE CONTROL

File Ref: **RNG-10-1**

Attachments: [20180327 MOU - Pilbara Transfer of Bush Fire Control - 2018 SoEP.PDF](#)
[20160101 Pilbara Concept of Operations Ver D.pdf](#)

Responsible Officer: **Mr Rick Miller**
Director Technical and Development Services

Author: **Mr Brent Stein**
Manager Community Safety

Proposed Meeting Date: **13 April 2018**

Location/Address: **Shire of East Pilbara**

Name of Applicant: **Department of Fire and Emergency Services (DFES)**

Author Disclosure of Interest: **Nil**

REPORT PURPOSE

For Council to consider providing in principal agreement on entering into a Memorandum of Understanding (MOU) with the Department Fire and Emergency Services for the management and control of the Bushfire Brigades, Bush Fires and Emergency Services in the Pilbara Region of Western Australia for a trial period of three years.

BACKGROUND

The Memorandum of Understanding for the management and control of the Bushfire Brigades, Bush Fires and Emergency Services in the Pilbara Region of Western Australia. (The MOU) was enacted between DFES and the Local Governments (LG) of the City of Karratha (CofK) and the Shire of Exmouth (SoE) during 2017 (the signatories LG's). The same MOU was presented to the Shire of East Pilbara Council on 29th April 2016. On that occasion, the MOU was voted against by Council (Record of Vote – 2 - 6). It is understood that Council did not support the MOU on that occasion as there was a concern that DFES personnel may not be able to attend Bush Fires immediately, as the Chief Bush Fire Control Officer would be located in Port Hedland.

The contingency for this is that the Deputy Chief Bush Fire Control Officer and the Fire Control Officers currently gazetted within the Shire of East Pilbara live and work in the district and they would respond when required in the first instance.

The progress report provided by DFES Superintendent Pilbara against the main points of the MOU is to provide visibility of the effectiveness of the arrangements during the first 6 months of operation.

It is noteworthy that during this period there have been a number of significant Bushfire incidents both in the LG's areas covered by the MOU and regionally where the brigade from the signatory LG's attended. There has also been the formal establishment of two new Bush Fire Brigades in the region; one of these is a signatory LG being Nickol Bay in the CofK. The report is to be read in conjunction with the MOU and Concept of Operation documents (attached).

COMMENTS/OPTIONS/DISCUSSIONS

Peter McCarthy - Department of Fire and Emergency Services Superintendent (Pilbara Region) will be attending the council meeting to conduct a presentation and answer any questions regarding the MOU.

In identifying a possible shortfall in dedicated bush fire firefighting capability in the environs of the town of Newman, the Department of Fire and Emergency Services (DFES) will investigate enhancing the bush fire firefighting capabilities of the current Newman Volunteer Fire and Rescue Service (VFRS). Enhancements may include the permanent allocation of a bush fire firefighting specific appliance (current appliance is on a term loan to the brigade) and additions to the current brigade building to house the vehicle. A business case will be developed seeking DFES Commissioner support and funding to support this initiative. In consultation with the Newman VFRS, a proposal to encourage members of the public to join, train and respond as "*bush fire only*" firefighters will be developed. It is hoped that this approach will encourage increased rates of participation as the level of training is less than that required for structural firefighting and rescue operations. The effectiveness of this concept will be monitored and assessed over a period of time. Should it be shown to be not effective or another trigger due population increase then there may be sufficient support for a standalone BFB which the shire can exercise its rights under the Bush Fire Act 1954 to establish such a brigade.

MOU Objectives

Relationships between DFES and the signatory LG's have been positive and supportive of objective a), with all firefighting capability for both signatory LG's operating effectively under DFES control.

It is considered premature to comment on objective b) at this early stage of the trial.

Legislative Responsibilities

DFES staff members have been appointed as the Chief Bush Fire Control Officer (CBFCO) for CoK and SoE, with the LG's gazetting a Deputy Chief Bush Fire Control Officer (DCBFCO) and FCO's to supplement these appointments and carry out other tasks required of LG's under legislation.

DFES control of incidents within signatory LG's that have occurred since the enactment of the MOU with other Council's has been effective.

A tiered response model has been implemented with local brigades (both BFB and VFRS) being mobilised if a response is required within predetermined boundaries. When required, the DFES CBFCO assumes the Incident Controller role in the first

instance, with a Section 13 BF Act - Transfer of Control being enacted when other suitably qualified DFES staff are required to take over this position.

Utilisation of LG DCBFCO, FCO and LG Rangers for remote observation and monitoring has been utilised to supplement the DFES Regional Duty Coordinator intelligence gathering and situational awareness role for fires considered outside of the immediate response area for local brigades.

Acknowledgements and Undertakings by the LG

All conditions under this clause are considered to be in place and mutually understood. There have been no reported issues and the DFES CBFCO's and their LG stakeholders are liaising on a regular basis to ensure compliance.

DFES has assisted in a review of the Bush Fire Local Laws and Bush Fire Brigade Rules for the SoE and provided assistance and input to LG Fire Management Plans and other preventative measures for all LG's in the region.

Of note is the involvement of both DFES CBFCO's in the current LGGS preparation to ensure requirements at brigade level to support the MOU outcomes are reflected in this year's submission.

Acknowledgements and Undertakings by the DFES

All conditions under this clause are considered to be in place and mutually understood. As previously documented, DFES CBFCO's have been appointed for both signatory LG's and all DFES staff that would be expected to control a LG fire have the appropriate Incident Management training and currency. These staff are also endorsed as Bush Fire Liaison Officers under the BF Act 1954.

Administration and management of BFB's by DFES is in place, with fiscal and procedural accountability of high importance. Budgets and LGGS expenditure is managed by DFES and coordinated with the LG's; this has removed a significant administrative burden from the LG's, allowing its officers to concentrate on other priorities.

Training of BFB members has benefited greatly from the MOU arrangements as DFES has been able to provide expanded exposure to training courses to not only members of signatory LG brigades but to BFB members across the region.

The formation of the Nickol Bay BFB in the CofK has required a substantial effort in training of new members and the Exmouth BFB is being developed from an LG employee only membership to a volunteer arrangement, also requiring a substantial training commitment.

To improve understanding of the context in which DFES and LG's will be operating and enhance the tiered response and IM requirements under the MOU, a number of Fire Control Officer courses have been provided. Participants have been from DFES and LG staff and volunteers who will hold DBFCO and FCO roles under the MOU arrangements. This training has been extended to non-signatory LG's and Industry employees who are gazetted FCO's to provide a regional perspective of the MOU and enhance their understanding of the role.

Response and mobilisation plans for the brigades of both signatory LG's have been developed and entered into DFES FCAD with notification and group call arrangements also being implemented. To date, apart for some minor issues, these arrangements are working as proposed.

Duration and Amendment

To date there have been no issues identified that would require the duration or content of the MOU to be altered.

Dispute Resolution and Termination

There has been no need for any dispute resolution so far apart from some minor change management acceptance issues with a small number of brigade members. These have addressed through inclusion, consultation and application of agreed remedial actions. In general the acceptance of DFES management by BFB members and LG staff has been very positive.

Disadvantages

- The revised arrangements will see a DFES Officer appointed as the CBFCO and the DCBFCO will be the Manager Community Safety. At times there may be a lack of understanding of Local Government operational procedures.

Advantages

- The Shire will transfer a significant amount of risk for bushfires as the CBFCO will be a DFES Officer.
- Potential to permanently secure additional dedicated Bush Fire Fighting capabilities for the town of Newman
- One agency will be responsible for the fire from start to finish.
- Shire of East Pilbara Community Safety employees will no longer receive calls from DFES Communications Centre after hours. Incident related communication will be to the local brigade in the first instance then the DFES Regional Duty Coordinator (24/7) and information will be relayed between DFES and DCBFCO (Manager Community Safety) as required.
- If operational issues arise, either party can withdraw from the agreement upon written notice.
- Shire of Exmouth and City of Karratha have participated in the same MOU over the last 18 months, enabling both Local Government and DFES to effectively deal with any issues that have arisen.

The Shire of East Pilbara is an a remote area. Resources and personnel can take many hours to arrive to Newman, Nullagine, Marble Bar and surrounding populated areas. By allocating the responsibility of Bush Fires to the Department Fire and Emergency Services, the relevant resources and personnel can be arranged to

attend a specific location within the Shire of East Pilbara more effectively and efficiently, thus decreasing the risk of damage to infrastructure and most importantly, loss of life.

STATUTORY IMPLICATIONS/REQUIREMENTS

Emergency Management Act 2005

Bush Fires Act 1954

Emergency Services Levy Act 2001

Fire and Emergency Services Authority Act of WA 1998

Local Government Act 1995

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

1.3 Engaged Community

RISK MANAGEMENT CONSIDERATIONS

Management of Risk in relation to Bush Fires will be controlled by both DFES and the Shire of East Pilbara.

Levels of Risk will be decreased for Shire of East Pilbara Employees and Volunteers as there will be a reduced need for Local Government Staff to attend or monitor incidents. There will also be access to DFES regional and state resources to combat Bush Fires and thus decreasing risk to personnel.

FINANCIAL IMPLICATIONS

A reduction in additional Bushfire Resource costs to the Shire of East Pilbara as all Bushfires will automatically be the responsibility of the Department of Fire and Emergency Services.

A reduction in staff income. This will be offset by reduction in staff time for the control and administration of the Emergency Services Levy.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/165

MOVED: Cr Dean Hatwell

SECONDED: Cr Anita Grace

THAT Council

1. Approve in principal agreement on entering into the Memorandum of Understanding (MOU) with the Department Fire and Emergency Services (DFES) for the management and control of the Bushfire Brigades, Bush Fires and Emergency Services in the Pilbara Region of Western Australia for a trial period of 3 years. This will enable DFES to investigate the appointment of additional staff to support the initiative and develop a business case to enhance the Bush Fire Fighting capabilities of the Newman VFRS
2. Authorise the Chief Executive Officer to sign the MOU
3. Request that the Fire and Emergency Services Commissioner be responsible for designating a person employed by DFES to act as the Chief Bush Fire Control Officer in accordance with *Section 38A of the Bush Fires Act 1954* during the trial period.

CARRIED
RECORD OF VOTE: 8 - 1

Cr Biddy Schill requested to be recorded against the vote.

To be actioned by Mr Brent Stein, Manager Community Safety

**9.3.3 AFFIXING THE COMMON SEAL TO AN AGREEMENT BETWEEN THE
SHIRE OF EAST PILBARA AND HERTZ AUSTRALIA REGARDING THE
LEASE OF LAND AT NEWMAN AIRPORT**

Attachments:

[Confidential Attachment Hertz Car Rental .pdf](#)
[Licence template Car rental kiosks and bays 13 02 2018.pdf](#)
[Independent Valuer Report.pdf](#)
[MAPS as per addendum](#)

Responsible Officer:

**Mr Rick Miller
Director Technical and Development Services**

Author:

**Mr Salomon Kloppers
Manager Development Airports**

Proposed Meeting Date:

13 April 2018

Location/Address:

N/A

Name of Applicant:

N/A

Author Disclosure of Interest: **Nil**

ADDENDUM– ORDINARY MEETING OF COUNCIL – 13TH APRIL 2018

Additional Information:

Subsequent to circulation of the Agenda for this meeting, some additional information is provided to assist in the process of making an informed decision.

The areas being considered are as per the attached table:

Lease Area	Nature	Tenant in New Agreement	Area (m²)
Lease Area 17 & 18	Depot Yard	Hertz	2149m ²
Lease Area 31	Car Rental Kiosk	Hertz	9m ²
Lease Area 37	Car Bay	Hertz	136m ²

The current licenses expired in 30/4/2015 for Hertz kiosk; 30/4/2017 for the Hertz car bays and the Hertz Depot Yards will expire on 30/04/21 with 2 x 5 year Options (effectively 2031).

The expired licenses have been operating on a month by month holdover clause and have been kept in place while we reviewed all our airport licenses and lease arrangements. This included preparing separate reports on Legal Review of our leases and licenses and shire rights under these agreements. A Business Review of our Airport Commercial Strategy and a Carpark Review which, focused on the commercial aspects of the airport carparks.

The airport has continued with holdover clause to also seek opportunities in timing to simplify and align the agreements. Hertz have asked the shire to put all their agreements into one agreement. Instead of paying 3 fees at different times to the shire, they will only need to pay one with the amalgamated agreements which will also be more consistent and simplified.

Map and drawing attachments have been included to show the location of the proposed lease sites at the Newman Airport:

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara (the Shire) to an Agreement between the Shire and Hertz Australia.

BACKGROUND

Newman Airport is owned and operated by the Shire of East Pilbara (the Shire) and serves as a vital link between the community of Newman and surrounding communities to Perth.

The Shire of East Pilbara (SoEP) is committed to providing efficient and effective services that represents “value for money” to its residents/community.

Effective 1 May 2011 the Shire entered into a lease agreement with Hertz to Lease a compound to the tenant to be used for storing vehicles. This agreement is available for renewal on 30 April 2021.

Effective 1 May 2014 the Shire agreed to the licensing of ten car bays in the Short Term Car Park, to be used as ready bays for car rental clients. Also effective this date a second License agreement was agreed upon that covered the rental of a small car rental kiosk, mainly used to issue vehicle keys to rental clients.

On 16 January 2015 an Umbrella Agreement was signed , as detailed in the confidential attachment.

The above resulted in four separate agreements. The kiosk and car bay agreements have come to an end and the tenant has been operating on Newman Airport via the “Hold-over” clauses.

Subsequently the tenant has approached the Shire with a proposal to enter into a new agreement so as to secure tenure and certainty for their business.

COMMENTS/OPTIONS/DISCUSSIONS

Considering the detail and comments as contained in the confidential attachment it is recommended that Council agree to the terms put forward in the terms and conditions described in the confidential attachment.

Section 3.58 (Disposal of Property) of the Local Government Act 1995 notes that prior to disposal of property a local government must invite submissions from the community regarding the matter after providing certain information. Council has to consider submissions, and decide on whether to go ahead or not.

It is recommended that Council authorise the CEO to make the notifications required by Section 3.58 of the Local Government Act 1995. Should no submissions be received the CEO should be given the delegation to enter into an agreement (as per

the terms discussed in the Confidential Attachment) and apply the Common Seal to the resultant Agreement.

Should submissions be received those will have to be tabled at the next Council meeting.

In addition, the Shire of East Pilbara is in possession of a management order on the Airport Land. One of the requirements of that management order is that the Minister of Lands must approve Leases on the premises. This result in a separate procedure that must be followed aimed at securing approval from the relevant authorities to proceed with the Lease.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

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) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78.

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

3.1.2 Build a thriving and diverse economy

3.1.1 Provide support for established and emerging business bodies and local businesses

FINANCIAL IMPLICATIONS

The Shire will receive an increased revenue stream from the tenancy as per the confidential attachment.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Authorises the Chief Executive Officer to advertise the proposed disposition of land in accordance with Section 3.58 (Disposing Property) of the Local Government Act 1995;
2. Approve the proposed lease to be sent to the Minister of Lands for approval; and
3. Authorise the Chief Executive Officer to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and Hertz Australia (ABN 31 004 407 087) regarding the Lease of a 10m² kiosk, ten car bays as well as Lease Area 17 and, Lease Area 18 at Newman Airport subject to receiving no submissions prior to the closing date.

COUNCIL RESOLUTION: 201718/166

MOVED: Cr Craig Hoyer

SECONDED: Cr Michael Kitchin

THAT Council

1. Authorises the Chief Executive Officer to advertise the proposed disposition of land, being on Reserve 44775, Lot 571 DP71045, Drawing 95807-009-C – Lease Areas 17,18,31 and 37, in accordance with Section 3.58 (Disposing Property) of the Local Government Act 1995;
2. Approve the proposed lease to be sent to the Minister of Lands for approval; and
3. Authorise the Chief Executive Officer to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and Hertz Australia (ABN 31 004 407 087) regarding Lease Area 31 (kiosk), Lease Area 37 (ten car bays), Lease Areas 17 and 18 (Depot Yard Areas) at Newman Airport subject to, receiving no submissions prior to the closing date.

**CARRIED
RECORD OF VOTE: 9 - 0**

Reason for Non Acceptance of Officer's Recommendation:

Officer included additional information to assist Council in the process of making an informed decision.

To be actioned by Mr Salomon Kloppers, Manager Development Airports

**9.3.4 AFFIXING THE COMMON SEAL TO LEASE AGREEMENT WITH
CHALKWEST PTY LTD (BUDGET CAR AND TRUCK RENTAL)**

Attachments: [2018.02.27 Budget Letter - Newman Lease March 2018.pdf](#)
[47333 Report.pdf](#)
[Licence template Car rental kiosks and bays 13 02 2018 pdf](#)
[Confidential Attachment Chalkwest Pty Ltd \(Budget Car Renatal\).pdf](#)
[Maps as per addendum](#)

Responsible Officer: **Mr Rick Miller**
Director Technical and Development Services

Author: **Mr Salomon Kloppers**
Manager Development Airports

Proposed Meeting Date: 13 April 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

ADDENDUM – ORDINARY MEETING OF COUNCIL – 13th APRIL 2018

Additional Information:

Subsequent to circulation of the Agenda for this meeting, some additional information is provided to assist in the process of making an informed decision. The areas being considered are as per the attached table:

Lease Area Nature Tenant in New Agreement Area (m2)

Lease Area 33 Car Rental Kiosk Budget 48m2

Lease Area 41 Car Bay Budget 152m2

The current licenses expired on 1/01/2015 for the Budget kiosk and car bays. The expired licenses have been operating on a month by month holdover clause and have been kept in place while we reviewed all our airport licenses and lease arrangements. This included preparing separate reports on Legal Review of our leases and licenses and shire rights under these agreements. A Business Review of our Airport Commercial Strategy and a Carpark Review which, focused on the commercial aspects of the airport carparks.

The airport has continued with holdover clause to also seek opportunities in timing to simplify and align the agreements. Budget have asked the shire to put all their agreements into one agreement. Instead of paying 3 fees at different times to the shire, they will pay two with the amalgamated agreements which will also be more consistent and simplified. They have decided to keep the Depot Yard agreement which is still current, separate from the other agreements

Map and drawing attachments have been included to show the location of the proposed lease sites at the Newman Airport:

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara (the Shire) to an Agreement between the Shire and Chalkwest Pty Ltd (operating as Budget Car and Truck Rental) at Newman Airport.

BACKGROUND

Newman Airport is owned and operated by the Shire of East Pilbara (the Shire) and serves as a vital link between the community of Newman and surrounding communities to Perth.

The Shire of East Pilbara (SoEP) is committed to providing efficient and effective services that represents “value for money” to its residents/community.

Effective 1 January 2012 the Shire agreed to two License agreements with Chalkwest Pty Ltd (operating as Budget Car and Truck Rental). The first License agreement covered the rental of ten car bays in the Short Term Car Park, to be used as ready bays for car rental clients. The second License agreement covered the rental of a car rental kiosk, mainly used to issue vehicle keys to rental clients. Chalkwest also rents a yard used for a workshop facility at the airport which is not subject to this review.

These two (car bays and Kiosk) agreements have come to an end and the tenant has been operating on Newman Airport via the “Hold-over” clauses.

Subsequently the tenant has approached the Shire with a proposal to enter into a new agreement so as to secure tenure and certainty for their business.

The tenant has provided a submission and has requested that it be considered when the matter is discussed by Council. The submission is attached.

COMMENTS/OPTIONS/DISCUSSIONS

Considering the detail and comments as contained in the confidential attachment it is recommended that Council authorise the CEO to enter into a new agreement on the terms and conditions described in the confidential attachment.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

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) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78.

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

3.1.2 Build a thriving and diverse economy

3.1.1 Provide support for established and emerging business bodies and local businesses

FINANCIAL IMPLICATIONS

The Shire will receive an increased revenue stream from the tenancy as per the confidential attachment.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/

THAT Council

1. Authorises the Chief Executive Officer to advertise the proposed disposition of land in accordance with Section 3.58 (Disposing Property) of the Local Government Act 1995; and
2. Approve the proposed lease to be sent to the Minister of Lands for approval; and
3. Authorise the Chief Executive Officer to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and Chalkwest Pty Ltd (ACN 093 844 574) regarding the Lease of a 50m2 kiosk and ten car bays at Newman Airport subject to receiving no submissions prior to the closing date.

COUNCIL RESOLUTION: 201718/167

MOVED: Cr Gerry Parsons

SECONDED: Cr Anita Grace

THAT Council

1. Authorises the Chief Executive Officer to advertise the proposed disposition of land being on Reserve 44775, Lot 571 DP71045, Drawing 95807-009-C – Lease Areas 33 and 41, in accordance with Section 3.58 (Disposing Property) of the Local Government Act 1995;
2. Approve the proposed lease to be sent to the Minister of Lands for approval; and
3. Authorise the Chief Executive Officer to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and Chalkwest Pty Ltd (ACN 093 844 574) regarding the Lease Area 33 (kiosk), and Lease Area 41 (ten car bays), at Newman Airport subject to, receiving no submissions prior to the closing date.

**CARRIED
RECORD OF VOTE: 9- 0**

Reason for Non Acceptance of Officer's Recommendation:

Officer included additional information to assist Council clearly identifying the areas upon reserve 44775 that are to be leased.

To be actioned by Mr Salomon Kloppers, Manager Development Airports

9.3.5 RFT09-2017/18 SUPPLY AND INSTALL NEW RESIDENCE AT CAPE KERAUDREN

Attachments:	Confidential Under Separate Cover <u>Tender Plans</u>
File Ref:	LEG-7-09
Responsible Officer:	Mr Rick Miller Director Technical & Development Services
Author:	Mr Michael Zion Coordinator Asset Management
Attachment:	Confidential Under Separate Cover – Recommendation Report
Proposed Meeting Date:	13 April 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

ADDENDUM – ORDINARY MEETING OF COUNCIL – 13th APRIL 2018

Additional Information:

Subsequent to circulation of the Agenda for this meeting, some additional background information is provided to show the main housing infrastructure that the tenderer would supply if successful.

This information is not confidential.

Please find **attached** drawings of proposed housing for Cape Keraudren Park Ranger.

REPORT PURPOSE

For Council to consider Tender submissions for RFT 09-2017/18 Supply and Install New Residence at Cape Keraudren and authorise the CEO to apply the common seal of the Shire of East Pilbara to the contract of the successful tenderer.

BACKGROUND

The purpose of this Request for Tender (RFT) was to seek the services of a suitably qualified and experienced registered Company or Contractor to undertake the design, construction and installation of a suitable 3 bedroom, 1 bathroom residence and associated services at Cape Keraudren as specified below.

A new purpose built residence was required at Cape Keraudren to accommodate a ranger with family on site. The existing structure is being used as a combined office and temporary single ranger residence and is not suitable for full time accommodation or a family residence.

This project consists of the design, construction and delivery of a 3 bedroom, 1 bathroom residence including a free-standing double carport and lockable store rooms that will complement the surrounding Cape Keraudren area incorporating the appropriate Region D Classification with Terrain Category 1.

The Tender was advertised in the West Australian newspaper, Tenderlink and the Shire of East Pilbara website on the 5th February 2018. Submissions closed on the 13th March 2018.

Four Conforming tender submissions were received from three separate Tenderers. One tender submission received was not accepted for assessment.

The weighting on the Qualitative Criteria used to assess the tender submissions is as follows:

No.	Criteria	Weighting
1	Relevant Experience	20%
2	Skills and Experience of Key Personnel	10%
3	Methodology	10%
4	Demonstrated Understanding	20%
5	Price Consideration	40%

COMMENTS/OPTIONS/DISCUSSIONS

Refer to the attached Confidential Recommendation Report for discussions and resolved issues.

A detailed tender analysis and panel evaluation can be viewed in the attachment "Confidential Recommendation Report" that is subject to business non-disclosure as it contains confidential financial information

The Shire will arrange and carry out the required earthworks and will obtain any other associated approvals.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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.

3.14 Procurement & Tender Procedures Policy

Minute No: Item 9.2.5

Date: 26th May 2017

Objective

To ensure that all purchasing activities:

- Demonstrate that best value for money is attained for the Shire;
- Are compliant with relevant legislations, including the Act and Regulations;
- Are recorded in compliance with the State Records Act 2000 and associated records management practices and procedures of the Shire;
- Mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- Ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
- Are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

3.13 Regional Price Preference Policy

Minute No: Item 1.2.8

Date: 17th March 2017

Objective

To maximise the use of competitive locally based businesses in the provision of goods or services purchased or contracted by the Shire of East Pilbara.

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

Refer to attached Confidential Recommendation Report.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/168

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

THAT Council:

1. **Award Tender RFT 09-2017/18 for Supply and Install New Residence at Cape Keraudren to Murray River North ABN 26 009 265 909 for the total price of \$ 400,115 (ex gst); and**
2. **Authorises the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between the Shire and Murray River North ABN 26 009 265 909 with respect to this Tender.**

**CARRIED
RECORD OF VOTE: 9- 0**

To be actioned by Mr Michael Zion, Coordinator Asset Management

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

Nil

13 GENERAL BUSINESS

13.1 GENERAL BUSINESS

Cr Biddy said she believe it is not beneficial to delete “General Business” from our monthly Council meeting.

Response: General business is currently listed as an item within the order of business in accordance with the Shire of East Pilbara Standing Orders 2010; therefore it will continue to be included.

13.2 SHIRE HOUSE – NULLAGINE

Cr Biddy asked a shire worker (Anni Kennedy) who has recently of late moved into a shire house at no#19 Clemensen Street, Nullagine. All three bedrooms have had water ingress-carpet tiles are rotten. On removal it was found the wooden floors were rotten. Anni is currently living in the lounge/kitchen area could this situation be rectified urgently.

Response: The CEO and Director Technical and Development Services have inspected the house, some minor works to the floor need to be undertaken and these are being progressed. The employee living in the house is happy with the current arrangement and works that will be progressed.

13.3 TRIANGLE PARK

Cr Biddy Schill asked the Triangle Park between Cook Street and Walker Street. Shire of East Pilbara should not allow inappropriate signs to be erected in town by the publican. This sign distracting the motorists especially travellers as it is on a junction.

Response: This matter has previously been raised and officers have been working with the sign owner to seek resolution. It is confirmed that the sign was erected in shire controlled road reserve without permission and a letter has been for the sign to be removed by the end of April 2018.

Officers have been providing advice to the sign owner on how to obtain suitable tourist signage to be placed further out of town and assisting with liaising with MRWA. The sign owner has also be advised that he can lodge an

application for a retrospective planning approval which would be assessed against planning requirements.

The existing sign has also been assessed as to the level of hazard to the travelling public and the risk is deemed low.

13.4 SKULLS SPRING ROAD – 5 MILE CROSSING

Cr Biddy Schill said the Skulls Spring Road – 5 Mile Crossing, has the shire made it clear to Millennium Mining.

1. The standard of crossing needed.
2. Single or dual lanes (preferably two)
3. Traffic counter to gauge use – eg Road trains 3-4 trailers, work utes etc. The renewing must be made as you will see in the photo Cr Biddy Shill will supply to the meeting.

Response: Shire officers have been in discussion in regards to permanent repairs with temporary repairs undertaken until works can be scheduled at a suitable time of year. Due to the nature of the degradation of the existing concrete crossing it was covered in gravel as a temporary solution. Millennium are aware of the conditional road use endorsement which includes maintaining and replacing the 5 mile crossing which will be budgeted for in the FY18/19 by Millennium. They advise that they expect to schedule these works before the end of December 2018.

1. The standard of crossing needed.

It will be to Main Roads WA Specifications and RAV 10 AMMS traffic loading and will be a minimum of 5 metres wide.

2. Single or dual lanes (preferably two)

Single lane as dual lanes are generally only provided on state highways or major sealed roads

3. Traffic counter to gauge use – eg Road trains 3-4 trailers, work utes etc.

Difficult to install due to unsealed surface under constant grading/water cart coverage. Will investigate physically monitoring to get an understanding of actual traffic and compliance of road use permit

13.5 DUST/FILTER MASK SUPPLIED FOR SHIRE WORKERS

Cr Michael Kitchin asks that appropriate masks/filters be provided for the rubbish truck operators in both Marble Bar and Nullagine. Despite the fact that lids are opened when the bins are rotated into the loading bay at the rear of the rubbish truck, the operator has to locate at the rear L/H side to operate the hydraulic controls. In half of the worked streets the prevailing wind blows dust and vapours over the operator. From the point of OH&S this procedure

allows a prime source of infection. Certainly the Nullagine operator has complained of sore throat/nose.

It is understandable that compliance training may be required for suitable masks/filters, under Pilbara conditions.

Response: This matter has been investigated and the following information is provided:

- From an operational and OH&S perspective staff have the appropriate PPE available and in this case being standard face masks, safety glasses and gloves as well as the usual clothing and boots etc. We are not aware of any evidence to support the statement that this is a “prime source of infection”.
- The wearing of masks is not mandatory as there is insufficient research or evidence to support this activity as a high risk that would require the wearing of subject masks. This has also been confirmed by the Shire’s Environmental Health Manager.
- It is normal practice in most if not all shires to not wear masks.
- The shire has no records of health related incident due to this work activity and there have been no formal complaints from staff. The shire has been doing the kerbside pickups in Marble Bar and Nullagine for many, many years.
- The Nullagine operator did not complain of a sore throat, or a sore throat due to carrying out the kerbside collection.

13.6 VOLUNTEER BUSH FIRE BRIGADE

Cr Michael Kitchin said the Marble Bar, Chief Volunteer Bush Fire Brigade has been sick and absent for a considerable time; prior to his travel to Perth for treatment he had mentioned the team were down to himself and one other operator. Are we covered for a fire occurrence in Marble Bar

Response: Mr Brent Stein, Manager Community Safety has replied the Department of Fire and Emergency Services were made aware in December 2017, of the absence of the Marble Bar VFES Brigade Captain due to illness. The Captain, Bob Claydon had been out of town for over 3 months. Concerns regarding the matter were also raised by Marble Bar LEMC Committee Members at recent meetings. Contingencies regarding bushfires in the area during this period were to provide DFES/Shire of East Pilbara Personnel from surrounding areas to deal with incidents if and when they occurred. Access to the Marble Bar VFES resources was available if they were required.

Due to the urgent nature of the matter, the DFES District Officer - Diarmuid Kinsella attended Marble Bar on 22nd March 2018 and had a meeting with community members that showed expressions of interest in joining the brigade. 7 members of the public have tentatively joined the Marble Bar VFES

and will be adequately trained by DFES over the coming months. The interim Brigade Captain will be Rodney Bruce.

13.7 NEWMAN HOSPITAL

Cr Michael Kitchin asked are we still in a bind re the rebuilding /replacement of the Newman Hospital. This is a parlous state for a town of some 4,600 personnel. May a committee inclusive of residents, health operatives, health professionals, local constabulary perhaps chaired by out CEO or his delegate, be formed as an advocacy source to try and get some action by the Govt. Onslow with a population of 800, had an extremely active hospital committee, that with LNG Companies assistance, secured a \$51M hospital back in 2015, with broad parameters of top notch medical services, way ahead of those services available here in Newman.

Response: The Shire President and CEO recently met with the Principal Policy Advisor for the Minister for Health and it was advised that scoping for the design is underway and the project is on track.

13.8 IMPROVE OVERALL COUNCIL OPERATIONAL EFFICIENCY

Cr Michael Kitchin would like to present/discuss with the CEO some suggestions for improving the information flows to Councillors which would improve overall Council operation efficiency.

Response: The CEO is happy to meet with individual Councillors to discuss these matters.

13.9 LIGHTING AT THE BASKETBALL AREA

Cr Anthony Middleton has asked to discuss the lighting at the basketball court near the skate park.

Response: The existing court near the Newman skatepark is a half court basketball court with a solar powered light that is about 8w when dormant and brightens to 30w when movement is detected. The light is for general lighting of the area and is not suitable for night time competition or training use.

This light has been there for many years and I am not aware of any requests to upgrade this lighting and hence no funding has been allocated for a lighting upgrade at this location in the 2017/18 budget.

It is suggested that if sufficient parties wish to request an upgrade of existing lighting to a training standard that, they submit request with justification and or a petition or list of all interested parties. This could also advise if they have sought other external funding or in kind assistance for the project. Other noted support would raise the priority of the project when assessed and against other competing projects.

13.10 TENDER FOR INSURANCE TO OBTAIN COMPETITIVE MARKET

Cr Michael Kitchin tabled questions for consideration as below

Tender for Insurance to Obtain Competitive Market

Background

1. The Council Insurer LGIS.
2. How long has the LGIS been SoEP insurer?
3. When did SoEP last tender for its insurance cover?
4. What is the cost of the current insurance cover?
5. Does the CEO believe that going to tender has the potential to save SoEP residents and ratepayer's money?

Rationale

1. It is consistent with good procurement practices to ensure that expenditure by SoEP is regularly checked to ensure competitive pricing.
2. I have been advised that most Councils who went to tender last year remained with LGIS but received a significant reduction of the order of 30-40% on their premiums for like for like insurance insurance cover.
3. Going to tender has the potential for significant savings to SoEP residents and ratepayers.
4. Contact: jlyon@cambridge.wa.gov.au

Risk Advisory Services provide corporate insurance services.

40 of the top 200 ASX listed companies – with previous experience they have streamlined the process and the information required from Councils is that the process of going to tender involves little more than the provision of the risk report prepared by JLT, provided to your Council each year and the population of a proforma document which requires similar information to that of your annual renewal. From a resourcing point of view this process requires less than one days work for an individual.

RAS have agreed to reduce that cost of their tender service to \$10,000 for each Council. The likely cost of an alternate insurance tender service provider to run a similar tender process is \$2,500. LGIS scheme uses JLT as a fund manager and broker, given the potential for conflict, it is a matter for good governance to go to tender on this service. Most Councils who went to tender last year remained with LGIS and received 90% of like for like.

The Chief Executive Officer to take on notice.

13.11 INDUSTRY LAND AVAILABLE IN MARBLE BAR

Cr Michael Kitchin asked if the Shire has industry blocks of land as there in none available in Marble Bar.

Director Technical and Development Services to follow up.

13.12 NEIGHBOURHOOD WATCH

Cr Gerry Parsons asked if Council had received an update on what is happening with the neighbourhood watch program previously discussed.

Director Technical and Development Services to follow up with the Community Safety department.

13.13 TOURISM

Cr Lang Coppin commented he visited the Caravan Camping Expo in Perth and the display regarding the Pilbara, especially the East Pilbara was very limited. Can Council revisit expenditure on tourism promotion.

Deputy Chief Executive Officer to follow up.

13.14 OHS INCIDENT STATISTICS

Cr Anthony Middleton was concerned about the figures in the April 2018 Information bulletin on loss time injuries, and asked if this can be investigated.

Deputy Chief Executive Officer to follow up.

14 DATE OF NEXT MEETING

18th May 2018, Newman

15 CLOSURE

2:20 PM