

Unconfirmed copy of Minutes of
Meeting held on 22 September 2017
subject to confirmation at meeting to be
held on 27 October 2017



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, 22 SEPTEMBER, 2017.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:04Am and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie	Shire President
Cr Lang Coppin OAM	Deputy Shire President
Cr Michael Kitchin	Councillor
Cr Anita Grace	Councillor
Cr Bidy Schill	Councillor
Cr Craig Hoyer	Councillor
Cr Shane Carter	Councillor
Cr Gerry Parsons	Councillor
Cr Dean Hatwell	Councillor
Cr Jeton Ahmedi	Councillor

Officers

Mr Allen Cooper	Chief Executive Officer
Ms Sian Appleton	Deputy Chief Executive Officer
Mrs Sheryl Pobrica	Executive Services Administration Officer
Mr Clint Swadling	Acting Director Technical & Development Services

Public Gallery

Ms Beverley Vaguez	Shire of East Pilbara, Economic Developments Officer
Mr Alex Tancock	InterContinental Energy – Managing Director

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Rick Miller	Director Technical and Development Services
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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 INTERCONTINENTAL RENEWABLE ENERGY PROJECT

Mr Alex Tancock, Project Manager from InterContinental Energy provided a presentation to Council regarding the new renewable energy development project within the Shire of East Pilbara.

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

10:43 AM *Mr Alex Tancock and Miss Beverley Vaguez left the Chambers.*

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes August 25 2017 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/44

MOVED: Cr Michael Kitchin

SECONDED: Cr Bidy Schill

THAT the minutes of the Ordinary Meeting of Council held on 25 August 2017, be confirmed as a true and correct record of proceedings.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

7.2 PILBARA REGIONAL COUNCIL MINUTES 31 AUGUST 2017

[PRC Minutes August 31 2017](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/45

MOVED: Cr Lang Coppin

SECONDED: Cr Anita Grace

THAT the minutes of the Pilbara Regional Council Ordinary Meeting of Council held on 31st August 2017, be received.

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Michael Kitchin attended:

- Art at the Heart met the Artist 19/09/2017
- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017

Cr Lang Coppin attended:

- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017

Cr Dean Hatwell attended:

- WA Tourism Association Conference Albany 11-12/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017
- Art at the Heart official Opening with the Artists 22/09/2017

Cr Bidy Schill attended:

- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017
- Attended Peta Asplin, 30years celebrations at the Nullagine Remote Community School as a Teacher's Assistant on 19/09/2017

Cr Craig Hoyer attended:

- Councillors Meet and Greet (The Square) 09/09/2017
- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017
- LEMC Meeting - 01/09/17
- Audit Committee - 07/09/17
- Australian Citizenship Ceremony - 18/09/17
- Newman Airport desk top exercise (LEMC) - 23/09/17

Cr Jeton Ahmedi attended:

- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017
- Bark in the Park 17/09/2017

Cr Anita Grace attended:

- Councillors Meet and Greet (The Square) 09/09/2017
- Newman Women's Shelter Meeting

11:00 AM *Cr Lang Coppin left Chambers.*

Cr Gerry Parsons attended:

- Art at the Heart morning tea meet the Artist 19/09/2017
- Councillors Meet and Greet (The Square) 09/09/2017
- NCCI Meeting
- NCCI After Hours Function
- Fusion Festival Opening
- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017
- Audit Committee - 07/09/17
- Newman Recreation Centre Committee Meeting

Cr Shane Carter attended:

- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017
- Audit Committee - 07/09/17

11:02 AM *Cr Lang Coppin returned to the Chambers*

Cr Lynne Craigie attended:

- Pilbara Regional Council Meeting 31/08/2017
- New Pilbara Conference Perth 29/08/2017
- Radio Interview Perth 30/09/2017
- State Council Meeting
- Meeting with the Hon Minister David Templeman
- Regional Airfares Parliamentary Committee Enquiry 18/09/2017
- LGISWA Board Meeting 14/09/2017
- ALGA Board Meeting Canberra 20/09/2017
- Horizon Power Board Meeting
- Newman High School Meeting
- Art at the Heart official Opening with the Artists 22/09/2017
- Post Budget Briefing with Kevin Michel MLA, Member for Pilbara & Sue Ellery MLC, Minister for Education and Training 22/09/2017

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - AUGUST 2017

File Ref: CLR-4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 22 September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION: 201718/46

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchin

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 July 2017	9.1.2	SEEKING PUBLIC COMMENT ON A PROPOSED PLASTIC BAG REDUCTION LOCAL LAW	CES	Process underway	In Progress
25 August 2017	12.1.2	AVIAIR PILBARA-RPT AIR SERVICE MOU			On Going
25 August 2017	8.1.2	UNCONVENTIONAL GAS EXPLORATION AND PRODUCTION ACTIVITIES (FRACKING)	CES	Draft Policy under development	In Progress

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

**9.1.2 ESTABLISH CEO RECRUITMENT COMMITTEE AND DELEGATE
AUTHORITY UNDER ADMINISTRATION REGULATION 18C**

File Ref: CLR-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Proposed Meeting Date: 22 September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To establish a Committee of Council, with limited delegated authority, to facilitate the recruitment of a new Chief Executive Officer.

BACKGROUND

Council, at its meeting held 25 August 2017, resolved to form a Working Group to select and appoint a recruitment specialist to assist in the recruitment of a new Chief Executive Officer.

The Working Group has tested the market through competitive quotes and has appointed WALGA Recruitment Services to undertake this contract.

COMMENTS/OPTIONS/DISCUSSIONS

Council is now required to determine matters arising from compliance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*, specifically related to the recruitment, selection and appointment process for a new CEO, in consultation with the appointed recruitment consultant.

Council may do this by either:

- Convening as the full Council to undertake the full process; or
- Establishing a Committee of Council, with limited delegated authority, to facilitate the recruitment and preliminary selection process, as well as make recommendations to Council for second round interviews to be conducted by Council.

It is recommended that a Committee is established to expedite the recruitment and preliminary selection process, with the Committee delegated to undertake specific functions under Section 5.39 of the *Local Government Act 1995* and Regulations 18A and 18C of the *Local Government (Administration) Regulations 1996*.

Under Section 5.11.1(d) of the *Local Government Act 1995*, a Councillor's membership of a committee shall only continue until the next ordinary election (due to be held on the 21st October 2017). At the first Council meeting following the election (on 27th October 2017), Council will need to re-nominate members for the CEO Recruitment Committee.

After the preliminary selection process, a Council meeting will be convened to undertake the second round interviews to identify a preferred candidate, with the recruitment consultant undertaking contract negotiations in consultation with the Shire President, within the parameters detailed in the advertisement in accordance with Administration Regulation 18A.

The Recruitment Consultant will then provide a further Council report including recommendations for appointment of the most suitably qualified person and the employment contract for approval.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 5.36 of the Act requires a Local Government to employ a person as the CEO of the Local Government and requires the Council to determine:

- that such person is suitably qualified for the position; and
- that it is satisfied with the conditions of the employment contract.

Local Government (Administration) Regulation 18C requires the Local Government to approve a process to be used for the selection and appointment of a CEO before the position is advertised.

Approval of the CEO selection and appointment process is a Local Government discretion and is therefore a Council decision unless delegated under s.5.16 to a Committee of Council (with the Committee established in accordance with s.5.8 of the *Local Government Act 1995*).

Where a person is appointed as a member of this Committee, the person's membership shall continue only until the next ordinary elections day, in accordance with s.5.11.1(d) of the *Local Government Act 1995*.

Administration Regulation 18G prohibits the delegation of duties under Administration Regulation 18C to the CEO.

Administration Regulation 18A prescribes three recruitment options:

- that the position of CEO be advertised state-wide; or
- that advertising is not required if the position is to be filled by a person who is, and will continue to be, employed by another local government; or
- that advertising is not required if a person will be acting in the position for a term not exceeding one year.

Administration Regulation 18A also requires that the recruitment advertisement must include the following information:

- Details of the remuneration and benefits offered (which must be within the Salaries and Allowances Tribunal Band 2 total reward package range of \$204,455 - \$316,586).
- Details of the place where applications are to be submitted;
- The date and time that applications close;
- The duration of the proposed contract;
- Contact details for a person who can provide information about the position (which will be the contracted Recruitment Consultant);
- Any other information that the Local Government considers relevant.

Administration Regulation 18B prescribes that a contract is to provide for a maximum amount of money (or a method for calculating such an amount) to which the person is entitled if the contract is terminated before the expiry date. This amount must not exceed the value of one year's remuneration or the value of the remuneration that the person would have been entitled to had the contract not been terminated.

Administration Regulation 18F prescribes that the remuneration and benefits paid to a CEO are not to differ from the remuneration and benefits contained in the advertisement.

Section 5.39 of the Act prescribes that the CEO contract:

- cannot exceed a term of 5-years;
- must specify the contract expiry date, be renewable and be capable of contract variation;
- must include performance criteria, for the purposes of reviewing the CEO's performance.

Section 5.38 of the Act requires the CEO performance to be reviewed at least once in relation to every year of employment and further Administration Regulation 18D requires the Local Government to consider each review and accept the review, with or without modification, or to reject the review. The performance criteria are established in the contract under section 5.39 above.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

RISK MANAGEMENT CONSIDERATIONS

Non-compliance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, must be reported in the statutory Compliance Audit Return and may incur contractual risks.

FINANCIAL IMPLICATIONS

The Shire's budget includes sufficient allocation to facilitate remuneration and benefits for the position of CEO within the Salaries and Allowances Tribunal Band 2 range of \$204,455 - \$316,586. Costs of undertaking the recruitment are covered within Councils existing budget.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

MOVED: Cr Michael Kitchin

SECONDED: Cr Jeton Ahmedi

THAT Council:

1. In accordance with section 5.8 of the Local Government Act 1995 and by absolute majority, establishes a CEO Recruitment Committee, with the following membership:

Cr Lynne Craigie Shire President, Cr Lang Coppin Deputy Shire President, Cr Dean Hatwell, Cr Michael Kitchin and Chief Executive Officer Mr Allen Cooper.
2. In accordance with section 5.16 of the Local Government Act 1995 and by absolute majority, delegates authority to the CEO Recruitment Committee as follows:
 - a. Local Government (Administration) Regulations 1996, Regulation 18C, limited to:
 - i. Determining the selection criteria for recruitment and selection for the position of CEO.
 - ii. Determining the advertising, recruitment and preliminary selection process.
 - iii. Determining the preliminary short-list of candidates and undertaking the preliminary interviews.
 - iv. Making recommendations for Council's consideration of short-listed candidates for second round of interviews, if required.
 - b. Local Government (Administration) Regulations 1996, Regulation 18A, limited to:
 - i. Determining other information, relevant to the position and the recruitment process, to be provided to applicants.
 - c. Local Government Act 1995, section 5.39(3)(b), limited to:
 - i. Determining the performance criteria to be included in the employment contract.
 - ii. Determining the total remuneration package to be offered in the recruitment advertisement.

RECORD OF VOTE: 5 - 5

The Shire President cast a second vote due to voting being even (5-5).

A casting vote by the Shire President, Motion Lost (5-6).

**LOST
RECORD OF VOTE: 5 - 6**

COUNCIL RESOLUTION: 201718/47

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council:

1. In accordance with section 5.8 of the Local Government Act 1995 and by absolute majority, establishes a CEO Recruitment Committee, with the following membership:

Cr Lynne Craigie, Cr Lang Coppin, and Chief Executive Officer Mr Allen Cooper.
2. In accordance with section 5.16 of the Local Government Act 1995 and by absolute majority, delegates authority to the CEO Recruitment Committee as follows:
 - a. Local Government (Administration) Regulations 1996, Regulation 18C, limited to:
 - i. Determining the selection criteria for recruitment and selection for the position of CEO.
 - ii. Determining the advertising, recruitment and preliminary selection process.
 - iii. Determining the preliminary short-list of candidates and undertaking the preliminary interviews.
 - iv. Making recommendations for Council's consideration of short-listed candidates for second round of interviews, if required.
 - b. Local Government (Administration) Regulations 1996, Regulation 18A, limited to:
 - i. Determining other information, relevant to the position and the recruitment process, to be provided to applicants.
 - c. Local Government Act 1995, section 5.39(3)(b), limited to:
 - i. Determining the performance criteria to be included in the employment contract.
 - ii. Determining the total remuneration package to be offered in the recruitment advertisement.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 7 - 3**

To be actioned by Mr Allen Cooper, Chief Executive Officer

9.1.3 RSPCA WA ANIMAL WELFARE IMPROVEMENT PROPOSAL

File Ref:	RNG-1-4-1
Attachments:	RSPCA WA Animal Welfare Improvement Proposal Shire of East Pilbara.pdf
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mr Grant Watson Coordinator Executive Services
Proposed Meeting Date:	22 September 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider supporting the RSPCA WA Animal Welfare Improvement Proposal for 2017/18 and 2018/19.

BACKGROUND

The proposal was supplied to Council during Corporate Discussion at the Council Meeting 30th June 2017.

At the request of Council, RSPCA WA Chief Executive Officer, David van Ooran, presented the proposal at the Council Meeting 25th August 2017.

The proposal is **attached**.

COMMENTS/OPTIONS/DISCUSSIONS

An opportunity exists in partnership with the Shire (and other neighbouring shires) to employ an RSPCA WA Animal Welfare Officer in the region.

RSPCA WA is seeking a two-year funding commitment from the Shire to deliver improvements in animal welfare throughout the region.

A financial contribution by the Shire of \$20,000 per annum will enable RSPCA WA to engage with the local community and deliver important educational programs, regular routine visits and an animal cruelty reporting and response service i.e. the compliance and enforcement functions under the Animal Welfare Act 2002 (the Act).

If supported and funding is made available, an MOU will be developed to reflect the commitment made between the Shire and RSPCA WA.

The base location of the Officer and the scale of their operation will depend on which other shires support the proposal and their level of support.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 HEALTH AND RECREATION

- 2.1.1 Promote Safe and Healthy Communities
Responsible officer: MCW
Timing: 1-3 years

2.4 DIVERSE AND INCLUSION COMMUNITIES

- 2.4.1 Promote diverse, harmonious and caring communities
Responsible officer: MCW
Timing: 1-3 years
- 2.4.2 Build Strong community groups, networks and governance
Responsible officer: MCW
Timing: 1-5 years
- 2.4.3 Provide relevant and affordable community services
Responsible officer: MCW
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

RSPCA WA is seeking a two-year funding commitment from the Shire to the value of \$20,000 per annum.

There are currently no funds allocated for such a commitment for 2017/18. These funds will need to be allocated in the Budget Review in October 2017.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council:

1. In principle, supports the RSPCA WA Animal Welfare Improvement Proposal and the financial contribution of \$20,000 per annum for 2017/18 and 2018/19, and;
2. Notes that currently there are no funds allocated for the contribution, and that these funds will need to be sourced from the Budget Review due in October 2017. This Budget Review would then need be approved by Council in December 2017 or deferred for consideration in the 2018/19 budget deliberations.

COUNCIL RESOLUTION: 201718/48

MOVED: Cr Lang Coppin

SECONDED: Cr Michael Kitchin

THAT Council do not support the proposal as put by the RSPCA WA.

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

To be actioned by Mr Grant Watson, Coordinator Executive Services

Reason for Non-Acceptance of Officer's Recommendation: Council did not see the value and relevance for the Shire.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

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

File Ref: CLR-4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 22 September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:28 AM Mr Allen Cooper 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 as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/49

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 July 2017	13.2	NULLAGINE CARAVAN PARK Cr Bidy Schill said the toilet block at the Nullagine Caravan Park requires an urgent upgrade as they are unacceptable for use; especially it is now tourist season. Cr Bidy Schill would like this brought back to Council regarding the condition of the toilet block. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	To be discussed at the Council Workshop on the 26 th October 2017	December 2017
25 August 2017	9.2.3	STRATEGIC COMMUNITY PLAN RFT SEEKING DELEGATED AUTHORITY to CEO TO AWARD TENDER	MCW	Tender currently being evaluated	September 2017
25 August 2017	9.2.4	FEES AND CHARGES FOR THE RPT BUS SERVICE	MCW	Public Notice Advertised in Northwest Telegraph 06/09/2017, Notice Boards and SOEP Website	Completed
25 August 2017	9.2.5	AMENDMENT TO THE 2017/2018 FEES AND CHARGES	MRE		Completed
25 August 2017	9.2.6	COMMUNITY ASSISTANCE GRANTS	MCW		Completed

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

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

9.2.2 APPLYING THE COMMON SEAL TO THE NEW MOU WITH THE MARBLE BAR TOURIST ASSOCIATION

Attachments: [Draft MBTA MOU 2017-18.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Pip Parsonson
Manager Community Wellbeing
Proposed Meeting Date: 22 September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:30 AM Mr Allen Cooper returned to the Chambers.
11:37 AM Cr Dean Hatwell left the Chambers
11:40 AM Cr Dean Hatwell returned to the Chambers

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara to the Marble Bar Tourist Association Inc. (MBTA) Memorandum of Understanding and Funding Agreement for the provision of tourist services for an amount of \$52,500 for twenty one (21) months commencing on 1st October 2017 and concluding on 30 June 2019.

BACKGROUND

The Shire of East Pilbara had a previous Memorandum of Understanding and Funding Agreement with the MBTA, which officially expired on the 31st August 2017.

Conditions and terms of the expired Memorandum of Understanding and Funding Agreement were honoured whilst a review of the document was recently undertaken by both parties.

COMMENTS/OPTIONS/DISCUSSIONS

Since the expiry of the 2016-2017 Memorandum of Understanding both parties have met and consulted to review and amend the MOU to better reflect the requirements of each party.

The proposed new MOU incorporates all elements of the previous MOU. The main changes are,

- Provision for the MOU and its terms to operate without the need for change if the proposed relocation of the Marble Bar Visitor Centre from the Shire's administration building to the Marble Bar Museum in the old government building in Station Street goes ahead during the term of the MOU.
- A streamlined reporting and payment schedule.

The term of the proposed MOU is twenty One (21) months so as to bring the timing and schedule of the MOU into line with standard financial year periods.

If and when the MBTA operations move to the Marble Bar Museum, Shire staff will still be impacted by tourist visits to the Shire's administration building. This is expected to cause minimal disruption though as it will only occur during a five month period outside of the peak tourist season and for two and half hours per day during peak tourist season. A large sign will be placed outside the Shire's administration building advising tourists that the Visitor Centre is located at the Museum.

The MBTA has recently written to the Chief Executive Officer seeking an increase in annual funding. The amount sought is \$25,000 which would bring the annual funding to the MBTA to \$55,000. This request is currently being assessed and a determination has not been made at this point in time.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 Promote diverse, harmonious and caring communities

*Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW*

Timing: 1-3 years

2.4.2 Build strong community groups, networks and governance

*Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW*

Timing: 1-5 years

2.4.3 Provide relevant and affordable community services

*Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW*

Timing: 1-5 years

Goal 3 – Economic – Planned Actions

3.2.1 Promote a variety of choice in local employment

Partnering With: State Government, Industry, NCCI, other relevant stake holders

Responsible officer: DCEO

Timing: 1-5 years

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 Business diversification and promotion

3.1.3 *Encourage tourism*

Partnering With: State Government, Industry, NCCI, other relevant stake holders

Responsible officer: DCEO

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Should Council choose not to endorse the draft MOU with the MBTA, there is the risk that the aspirations and vision outlined in Council's Community Strategic Plan (Strategy 3.1.3 & 3.2.1) and Economic Development and Tourism Strategy (Strategy 6.1) will not be achieved to a satisfactory level.

FINANCIAL IMPLICATIONS

Resource allocations will be made during Council's annual budget deliberations.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/50

MOVED: Cr Dean Hatwell

SECONDED: Cr Lang Coppin

THAT Council approve the application of the common seal of the Shire of East Pilbara to the updated Marble Bar Tourist Association Inc. Memorandum of Understanding and Funding Agreement for the provision of tourism services for an amount of \$52,500 for twenty one (21) months commencing on 1st October 2017 and concluding on 30 June 2019.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 1**

Cr Michael Kitchin has requested his name be recorded against the motion.

To be actioned by Mr Pip Parsonson, Manager Community Wellbeing

9.2.3 CREDITORS FOR PAYMENT

File Ref: FIN10-2
Attachments: [Schedule of Accounts](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Memory Mandaza
Expenditure Finance Officer
Proposed Meeting Date: 22 September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:44 AM Cr Jeton Ahmedi left the Chambers.
11:45 AM Cr Jeton Ahmedi returned to the Chambers.
11:45 AM Cr Shane Carter left the Chambers.
11:47 AM Cr Shane Carter 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 25 AUGUST 2017.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT #39834 - #40262	2,290,378.75
	Total	\$2,290,378.75
Cheque Payments	CHQ #24332 - #24355	78,075.79
Direct Debits	DD10750.1 – DD10809.1	104,540.07
Manual Cheques		0
	Total	\$182,615.86
	GRAND TOTAL	<u>\$2,472,994.61</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

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 \$2,472,994.61

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/51

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT #39834 - #40262	2,290,378.75
	Total	\$2,290,378.75
Cheque Payments	CHQ #24332 - #24355	78,075.79
Direct Debits	DD10750.1 – DD10809.1	104,540.07
Manual Cheques		0
	Total	\$182,615.86
	GRAND TOTAL	<u>\$2,472,994.61</u>

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

To be actioned by Ms Memory Mandaza, Expenditure Finance Officer

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

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

File Ref: CLR-4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 22 September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/52

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchin

THAT the Director Technical and Development Officer "Status of Council Decisions" Report for the month of August 2017 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 Jul 2017	11.2.1	DESERT ROAD MASTER PLAN Project Implementation - Cr Lang Coppin	MDS-P	<i>Refer to Information Bulletin</i>	<i>Ongoing</i>
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter	MDS-P	<i>Refer to Information Bulletin</i>	<i>Jun 2018</i>
28 th October 2016	13.7	GARDEN BED NEWMAN DRIVE Cr Lynne Craigie said the garden beds on Newman Drive, next to the Chicken Treat Van needs attention.	DTDS WSPG	Design and costings to be reviewed. Will discuss options with BHP to partner on costings and works.	Nov 2017
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	Communication has been had with NCCI regarding this matter. We are waiting on feedback from the NCCI on next steps. To be followed up by Manager Development Services – Planning.	Nov 2017
28 July 2017	13.3	SIGNAGE NULLAGINE Cr Biddy Schill asked regarding the signage policy as there is a sign at the front entrance of the triangle park and is very distracting, does it require permission by the Shire? Mr Rick Miller, Director Technical and Development Services to follow up.	MDSP	To be investigated by Planning Manager as to the sign locations and approvals,	Oct 17

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

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

9.3.2 AFFIXING THE COMMON SEAL TO THE AGREEMENT WITH RAW HIRE REGARDING THE SUBLEASE WITH S V HAoust (GO-WEST BUSES)

File Ref: FAC 1-2
Responsible Officer: Mr Rick Miller
 Director Technical and Development Services
Author: Mr Salomon Kloppers
 Manager Development Airports
Proposed Meeting Date: 22 September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

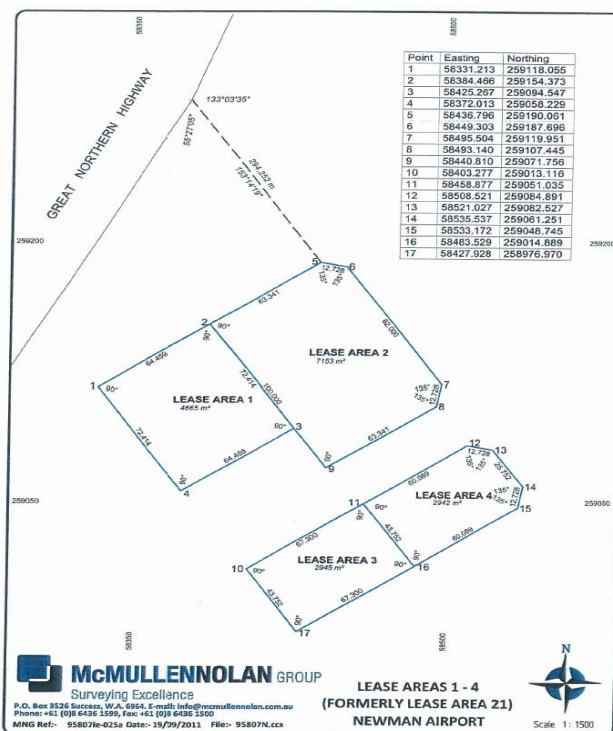
11:54 AM Cr Anita Grace left the Chambers.

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara (the Shire) to the Agreement between the Shire and RAW Hire Pty Ltd (RAW Hire) in respect of a proposed Sublease by Raw Hire with S V Haoust Pty Ltd.

BACKGROUND

Lease Area 3 and 4 is currently Leased from the Shire by RAW Hire as per the following diagram:



This Lease commenced on 1 July 2012, and expires on 31 December 2022 as per **Council Resolution 201112/167**.

“THAT Council authorises the Manager Airport Services to negotiate a land lease agreement with McLaren Hire for Lease Areas 3 & 4, subject to the following conditions:

- ***That they accept a lease for both areas.***
- ***That they develop those blocks to the airport drainage and development specifications.***
- ***That they be granted an initial lease period of nine years at a rate of \$7.63/m² with a 1%/annum rate increase.***
- ***That they accept a further period of lease of eleven years at a market related lease rate as determined by an independent valuer during Year 9 of the initial lease term.***
- ***That, should they require office space within the GA Terminal, they are granted a maximum of 26m² at the adopted rental rate of \$535/m² under a license agreement.***
- ***That they be allowed to position/install a small customer service kiosk/desk at a suitable location for immediate customer service.”***

The Lease Agreement has two options to renew. Currently the land is Leased at a predetermined rate. This rental amount will be based on a mark to market from the Review Date of 1 January 2022. As the “mining boom” came to an end during 2015 RAW Hire decided to cease providing services from the site. Raw Hire negotiated a sublease with Pilbara Car and Truck Rental that the Shire agreed to.

COMMENTS/OPTIONS/DISCUSSIONS

RAW Hire has approached the Shire to request the substitution of Pilbara Car and Truck Rental with SV Haoust who operates as Go-West buses from another Lease area on the Airport. In effect, Go-West is expanding its foot print on Newman Airport to include the RAW Hire premises.

In addition, Hertz Car Rental, who operates a number of areas (via a Lease and two Licenses) at Newman Airport is requesting to use the Raw Hire facilities to wash their vehicles. Currently the Hertz Lease area is not suitable for washing vehicles because of the absence of the necessary facilities including the capability to collect fuel and oil filled run off generated by the process of washing.

In short, the Shire is requested to:

- Agree to a sublease to SV Haoust; and
- Agree to a license agreement between SV Haoust and Hertz authorising them to use the premises.

As Newman Airport is operated by the Shire in terms of a management order, State Lands have to approve all tenancy agreements. State Lands have been approached with the above and although no official feedback has been received, no difficulty is anticipated.

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

4.5 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

3.2.1 Promote a variety of choice in local employment

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

3.1.2 Build a thriving and diverse economy

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.

3.3.3 Provide infrastructure to support economic development

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/53

MOVED: Cr Gerry Parsons

SECONDED: Cr Jeton Ahmedi

1. **THAT Council notes and approves the Chief Executive Officer affixing the Common Seal to the Agreement between the Shire of East Pilbara and RAW Hire regarding the Sublease of SV Haoust should State Lands approve the transaction.**
2. **THAT Council notes and approves the Chief Executive Officer affixing the Common Seal to the Agreement between the Shire of East Pilbara and RAW Hire regarding the Licensing of Hertz Australia Pty Ltd should State Lands approve the transaction.**

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

To be actioned by Mr Salomon Kloppers, Manager Development Airports

**9.3.3 PROPOSED EXCISE OF LAND FROM RESERVE 44774 TO FACILITATE
DEVELOPMENT OF ABORIGINAL MENS HEALING CENTRE AND
REVISED CONCEPT DEVELOPMENT PROPOSAL**

File Ref: A400013
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Ryan Del Casale
Manager Development Services - Planning
Proposed Meeting Date: 22 September 2017
Location/Address: Reserve 4474, Great Northern Highway,
Newman
Name of Applicant: Aboriginal Men's Healing Centre Inc.
Author Disclosure of Interest: Nil

An Interest was declared by Cr Anita Grace for Item No. 9.3.3

Nature of Interest: Financial

Extent of Interest: Board Member for the Aboriginal Men's Healing Centre

REPORT PURPOSE

For Council to consider relinquishing 13.2ha of Reserve 44774 to allow the Department of Lands to enter into a direct lease or management order with Aboriginal Men's Healing Centre Inc. over the land.

BACKGROUND

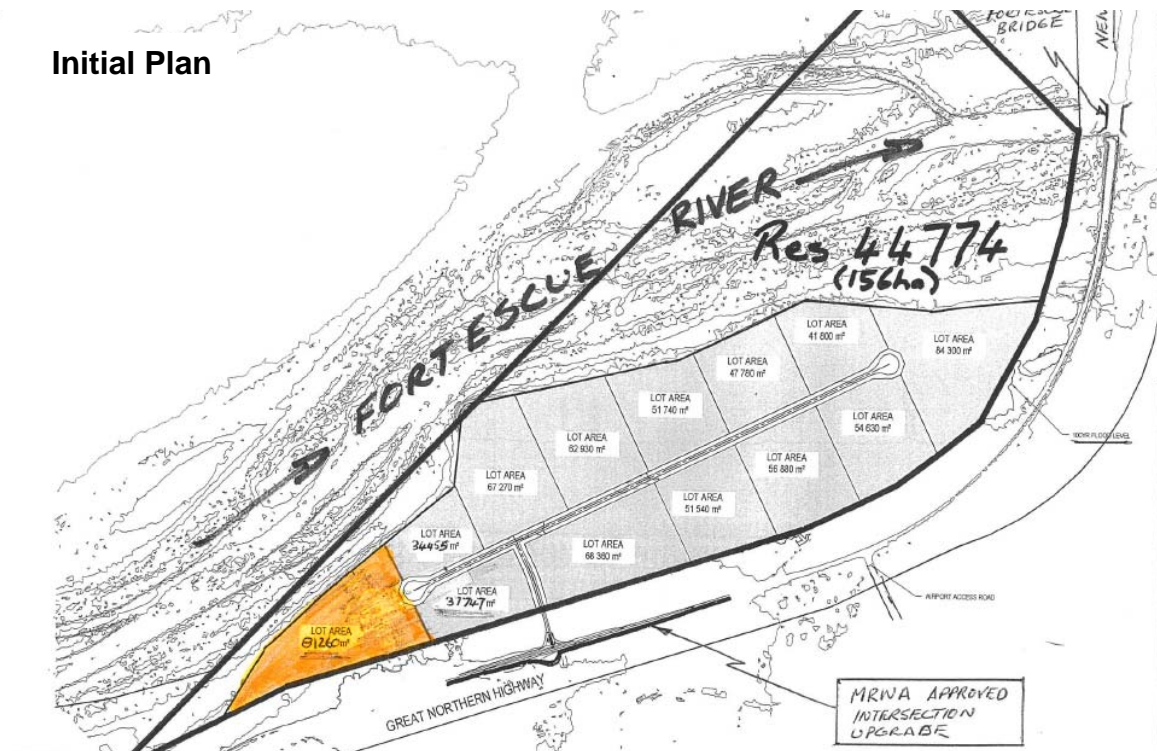
At its Ordinary Council Meeting held on 28 October 2016, Council resolved the following;

- 1. Request the Minister for Lands include the purpose of "community purposes" on the management order for Reserve 44774, Great Northern Highway, Newman; and*
- 2. Advises Aboriginal Men's Healing Centre Inc. that negotiations into the potential lease for all or portion of Reserve 44774 cannot take place until the Minister for Lands has approved the inclusion of "community purposes" on the management order for the reserve.*

The Department of Lands considered this request and advised that it would be prepared to include the purpose "community rehabilitation centre" on the management order subject to the Shire and AHMC having entered into an agreement on the area of land to be leased and the terms of any lease agreement.

Subsequent to this advice, AMHC prepared an initial development proposal provided below. This was based on utilising the southern 8.1ha portion of Reserve 44774 for the healing centre. This location was considered ideal by AMHC, as well as allowing the remainder of Reserve 44774 to be developed in the future for the planned transport and logistics hub. This was presented to Council at the 3 February 2017 Council Meeting.

Given that a plan was prepared, it was considered that it may be more appropriate for the Shire to relinquish the 8.1ha parcel back to the state so that it can enter into an agreement directly with AMHC. As an incorporated body, the Department of Lands is able to lease or vest the land directly to AMHC. This would also allow for the land to be readily converted to freehold and purchased by AMHC in the future, which is the ultimate desire of AMHC.



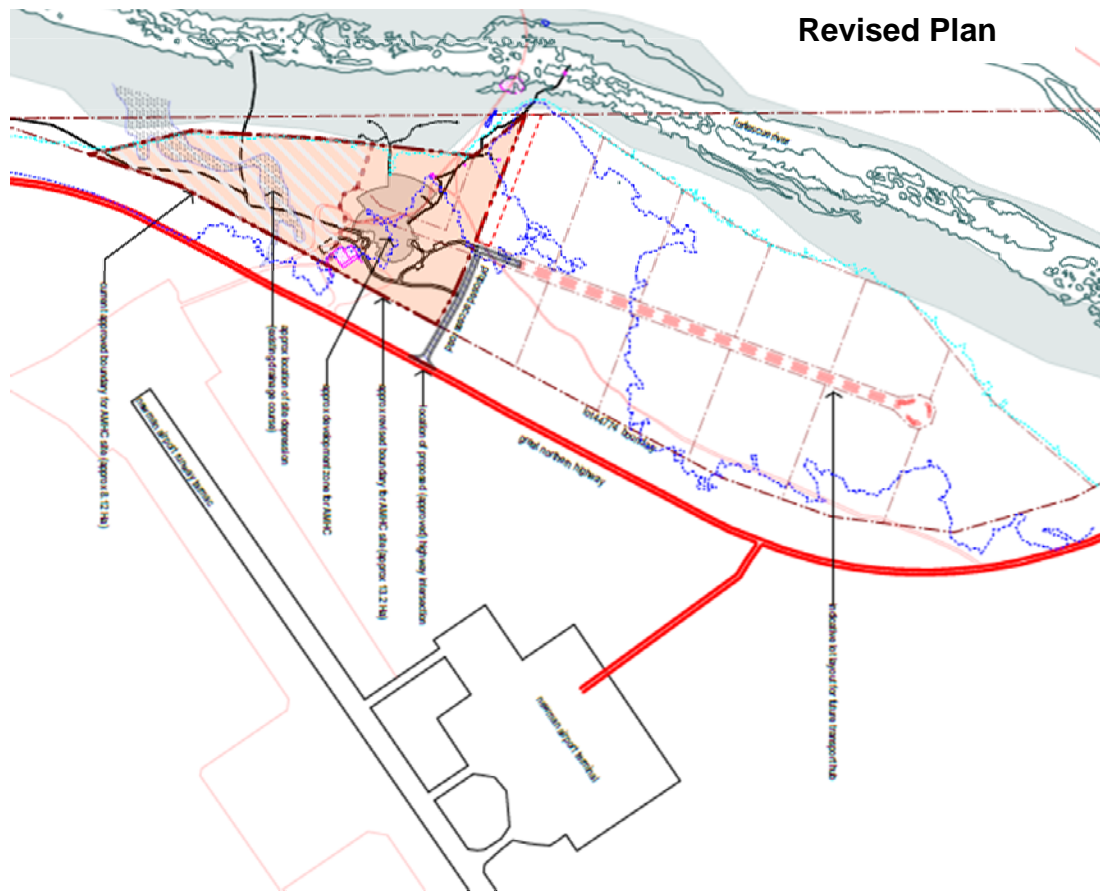
At its Ordinary Council Meeting held on 3 February 2017, Council resolved the following;

1. *Advises Aboriginal Men's Healing Centre Inc. (AMHC) that:*
 - a) *It is prepared to support excision of approximately 8.1ha of Reserve 44774 at the southern end of the reserve to allow for the parcel to be vested or leased directly to AMHC by the Department of Lands; and*
 - b) *All costs associated with excision of the parcel are to be borne by AMHC.*
2. *Advises the Department of Lands that it is prepared to relinquish the 8.1ha parcel of land from Reserve 44774, required by Aboriginal Men's Healing Centre Inc.*

In June 2017 AMHC revised their plan to increase the area of land sought from 8.1ha to 13.2ha provided below. The plan shifted the development zone further north than what was initially proposed due to the following reasons:

- The initial site being at a low level with drainage trenches and could be subject to flooding;
- The initial site would require major earthworks making it less cost effective; and

- The newly proposed site being flatter and of a higher average ground level making it more suitable for development.



COMMENTS/OPTIONS/DISCUSSIONS

The land is located at the southern end of Reserve 44774 and will be accessed by the planned internal road and intersection onto Great Northern Highway shown above.

Further information about the constraints and limitations of the site have been discovered since the February 2017 Council Meeting by AMHC. AMHC's revised plan takes into account these constraints and limitations.

Access to the site would remain via the proposed internal road as shown on the above plans given that the intersection point onto the highway has previously been approved by Main Roads WA.

Council officers support this revised plan as it consistent with the intent of AMHC's overall development intention - to construct a healing centre. The plan takes into account potential flooding and development issues, follows the 20 year flood level and does not compromise the planning for the land to the north for a potential transport logistics area.

In the event that the centre does not proceed on the site, the land would be offered back to the Shire as the previous manager of the land. Should the Shire not require the parcel, the land would revert to unallocated crown land.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 50 of the Land Administration Act 1997 provides for a management body to agree to a management order being revoked. Revoking the management order over Reserve 44774 will allow for the proposed AMHC site to be removed from the remainder of the Reserve. A new management order will then be issued to the Shire in accordance with section 46 of the Act for the remainder of the Reserve 44774 for the purpose of 'transport and freight hub'.

To allow the area of land to be relinquished, the Shire will need to complete a Statutory Declaration in regards interests and possible contamination of the portion of land to be excised. This matter will be dealt with administratively and does not require formal Council resolution. It is noted that there is unlikely to be industrial contamination present on the site as the site has only been used for pastoral purposes in the past, including stock yards.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.4.1 Promote diverse, harmonious and caring communities
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-3 years

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

- 2.1.4 Support individual and community health
Partnering With: NGO's, State Government, Industry
Responsible officer: MCW
Timing: 1-5 years

- 2.1.1 Promote safe and healthy communities
Partnering With: NGO's, State Government
Responsible officer: MCW
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Excision of the land from Shire control will reduce the level of organisational risk when compared to leasing to a third party such as AMHC.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/54

MOVED: Cr Michael Kitchin

SECONDED: Cr Gerry Parsons

THAT Council

- 1. Advise Aboriginal Men's Healing Centre Inc. (AMHC) that:**
 - a) It is prepared to support excision of approximately 13.2ha of Reserve 44774 at the southern end of the reserve to allow for the parcel to be vested or leased directly to AMHC by the Department of Lands; and**
 - b) All costs associated with excision of the parcel are to be borne by AMHC.**
- 2. Advise the Department of Lands that it is prepared to relinquish the 13.2ha parcel of land from Reserve 44774, required by Aboriginal Men's Healing Centre Inc.**

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

To be actioned by Mr Ryan Del Casale, Manager Development Services - Planning

9.3.4 SHIRE OF EAST PILBARA LOCAL EMERGENCY MANAGEMENT ARRANGEMENT

Attachments: [SOEP LEMA and LRP August 2017.pdf](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Clint Swadling
Manager Community Safety

Proposed Meeting Date: 22 September 2017

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:57 AM Cr Anita Grace returned to the Chambers

REPORT PURPOSE

For council to ratify and apply the Shire of East Pilbara common seal to the latest version of the "Shire of East Pilbara, Local Emergency Management Arrangements 2017 and Local Recovery Plan as attached.

BACKGROUND

The previous Local Emergency Management Arrangements were written in 2013 in accordance with the Emergency Management legislation (*Emergency Management Act 2005*). Whilst this document is still current, it is a requirement to update these arrangements and to include the latest guidelines and requirements under the legislation every five years. The new arrangements have been completely re-written to meet requirements under the *Emergency Management Act 2005* and have been compliance checked by the DEMC (District Emergency Management Committee)

COMMENTS/OPTIONS/DISCUSSIONS

These arrangements are the Shires' guide for action in the event that one or more of its communities are subjected to an incident or emergency. It advises the necessary actions and identifies the people required to be involved if an incident takes place. The Local Recovery Plan also identifies the requirements undertaken in the event the Shire Local Recovery Plan is enacted; identifying the Recovery Coordinator and contacts in the event the Shire is placed in a recovery situation following a major emergency event.

The primary documents has been tabled at each of the three LEMC's (Newman Nullagine and Marble Bar). Wherever possible and in line with the relevant state guidelines and policies, amendments have been made and incorporated into the document after consultation with the Shire's LEMC.

Following the documents tabling and subsequent signing off by LEMC's Chairs the document was forwarded to the DEMC for compliance checks and scrutiny.

SEMC (State Emergency Management Committee) and DEMC (District Emergency Management Committee) have approved the Local Emergency Management Arrangements and Local Recovery Plan and have returned these arrangements back to council for approval and common seal.

STATUTORY IMPLICATIONS/REQUIREMENTS

It is a requirement of the Emergency Management Act 2005 that Local Government 'ensure' that Local Emergency arrangements are written for its district and that they are reviewed or re-written at least every five years.

Sections 41 to 43 of the *Emergency Management Act 2005* describe these requirements and significant State Policies describe the format and how the arrangements are to be undertaken and written. The current arrangements have taken all these requirements into consideration in the development of these plans.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

- 2.1 Health and recreation
 - 2.1.1 Promote safe and healthy communities
 - Partnering With: NGO's, State Government

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Costs to date have been sourced from the annual operating budget and Emergency Service Levy (ESL).

A proposal to undertake future risk assessment works will need to be budgeted along with training for Recovery Coordinators which may be funded through an AWARE grants program.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/55

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council endorse and affix the Shire of East Pilbara common seal to the described documents, "Shire of East Pilbara Local Emergency Management Arrangements 2017 and Local Recovery Plan 2017" as attached.

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

To be actioned by Mr Clint Swadling, Manager Community Services

9.3.5 TENDER RFT 1- 2017/18 PROVISION OF PASSENGER SCREENING AND OTHER SECURITY SERVICES AT NEWMAN AIRPORT

Attachments: [Confidential](#)
File Ref: FAC1-1
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Kevin Sanders
Coordinator Airport Operations
Proposed Meeting Date: 22nd September 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:01 PM Cr Anita Grace left the Chambers.

12:03 PM Cr Anita Grace returned to the Chambers

REPORT PURPOSE

The purpose of this report is to consider the submission of tenders for the Provision of Passenger Screening and other Security Services at Newman Airport and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

Newman Airport is located about 8 kilometres south east of Newman town and just south east of the Great Northern Highway within Crown Reserve 44775; it is operated by the Shire of East Pilbara and not connected to the Newman Town water supply.

The request for tenders was advertised in the West Australian Newspaper on Saturday 29th July 2017, and uploaded to Tenderlink Portal to ensure maximum coverage.

Tenders closed at 2pm, Friday 18th August 2017. At the closing of tenders three (3) tender submissions had been received as per table and in no particular order.

Tenderer	ABN	Address
Aerodrome Management Services	50 406 443 766	29 West Parade, Perth WA 6000
MSS Security Option 1	29 100 573 966	Gateway Business Park, Level 2, 63-79 Parramatta Road, Silverwater NSW 2128
MSS Security... Option 2	29 100 573 966	Gateway Business Park, Level 2, 63-79 Parramatta Road, Silverwater NSW 2128

The Tenders were assessed by the Evaluation Panel which included the Director of Technical and Development Services, Manager Development Airports, Manager Compliance Airports and Coordinator Airport Operations.

Tender submission documents is included in a confidential attachment as information submitted are commercial in confidence.

COMMENTS/OPTIONS/DISCUSSIONS

The tender document contained a price schedule requiring the tenderer to list itemised prices. Respondents were also required to provide detailed information about how (method, equipment and techniques) they propose to establish the infrastructure.

Considering the detail and comments on each submission as contained in the confidential attachment it is recommended that the tender be awarded to and a contract be agreed on the terms of the tender with Aerodrome Management Services Pty Ltd.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.57. Tenders for providing goods or services (pg 70)

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Objective

1. To provide compliance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* (as amended).
2. To set guidelines which must be followed when inviting tenders for works and services within the Shire.
3. To ensure consistency that purchasing activities integrate within all Shire of East Pilbara operational areas.

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

The following procedures will be adhered to when purchasing items and other goods and services as per the adopted budget. All purchase orders are to be completed as set out below.

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being

	obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$149,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

Capital Expenditure

All capital purchase orders will be signed by the Chief Executive Officer, Deputy Chief Executive Officer or the Director Technical & Development Services with the exception of road construction and plant fleet which can be signed by Manager Technical Services – Rural.

Definition of a Capital Item for the purpose of the Shire of East Pilbara:

1. Any item budgeted as a capital item in the adopted budget;
2. Any item to be purchased, which involves the replacement of an existing asset through the sale, trade-in, write-off or disposal of an item on the fixed asset register.

Refer to the Accounting Policy in the Council’s Policy Manual for the further treatment of non-current assets.

No item of a capital nature may be purchased unless included in the adopted budget, or if unbudgeted, has been approved by “absolute majority” of Council prior to the purchase of the item. (Council has no retrospective right of approval of purchase of non-budgeted items of capital).

In order to preserve the cash flow of the Shire, major items of budgeted capital expenditure should be deferred, where possible, until the second or third quarter of the financial year. However all capital orders must be raised by the 30 April to allow adequate time for payment by June 30 of each year. In all cases, the timing of the expenditure on major items of capital should be discussed and agreed with the Deputy Chief Executive Officer.

Orders for Goods & Services

Purchase orders must be made out and signed by authorised persons for all goods and services ordered for the Shire at the time that the order is placed. **Orders should never be raised retrospectively.**

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$150,000. If the purchase is in excess of \$150,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

1. Deputy Chief Executive Officer
2. Director Technical & Development Services
3. Manager Technical Services – Rural (road construction and plant only)

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$30,000. If the purchase is in excess of \$30,000 a requisition is to be authorised by their supervisor prior to the order being issued;

1. Managers
2. Coordinator Property Services

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$10,000.

1. Coordinators
2. Works Supervisor (Newman and Marble Bar)

If the purchase is in excess of \$10,000 a requisition is to be authorised by their supervisor prior to the order being issued.

Other officer's in line with relevant procedures will have authority to authorise purchases to the value of \$2,000.

Light Vehicle Purchases

The designated Fleet Officer is authorized to purchase light vehicles under \$150,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

Services separately identified in the adopted budget to be at officer's discretion up to \$20,000.

Between \$20,001 and \$150,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$150,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$150,000) is by public auction.

The reserve sale price is to be determined by the Manager Technical Services – Rural in conjunction with the Chief Executive Officer and/or the Director Technical and Development Services.

The following information sources will be utilised in determining the reserve sale price:

1. Valuation by the auction house.
2. Valuation from a recognised source ie: red book.
3. Internet research.
4. Past sales by auction house.

Disposals are to be completed within the same financial year, or within 3 months of receipt of a new vehicle, whichever is the sooner to maximise sales return

Regulatory Compliance

In the following instances public tenders or quotation procedures are exempt (regardless of the value of expenditure):

An emergency situation as defined by the Local Government Act 1995;

The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;

The purchase is under auction which has been authorised by Council;

The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;

The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.

The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.

The goods or services are obtained through an Australian Disability Enterprise.

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

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 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

Nil

FINANCIAL IMPLICATIONS

Resource requirements are below budget in accordance with existing budgetary allocation. The current allocated budget is \$1,678,800 ex GST

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. Decline to accept any tender submission for Tender RFT 1-2017/18 Provision of Passenger Screening and Other Security Services at Newman Airport.
2. Re-tender for the Provision of Passenger Screening and Other Security Services at Newman Airport through an independent third party, preferably the Pilbara Regional Council.
3. Extend the current contractual arrangement with MSS Security to the 31st January 2018 to allow for the renewed tender process to be undertaken.

COUNCIL RESOLUTION: 201718/56

MOVED: Cr Michael Kitchin

SECONDED: Cr Jeton Ahmedi

THAT Council:

1. Decline to accept any tender submission for Tender RFT 1-2017/18 Provision of Passenger Screening and Other Security Services at Newman Airport.
2. Give the current operator MSS Security Pty Ltd notice under clause 2.2 of the contract to extend the term to the 30th June 2018.

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

Reason for Non-Acceptance of Officer's Recommendation: Council allow the current operator to extend the term of contract.

To be actioned by Mr Kevin Saunders, Coordinator Airports Operations

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 NEWMAN TOWN SQUARE MAINTENANCE

Cr Craig Hoyer asked about the maintenance to the Town Square as there is a lot of rocks/stones scattered on the paths and road from the garden beds.

Mr Allen Cooper, CEO replied the Manager Development Services- Planning and the Economic Development Officer are investigating on this problem and trying to find a solution.

13.2 FIFO ACCOMMODATION NEWMAN DRIVE FLATS

Cr Craig Hoyer asked for clarification if FIFO workers who are based in the flats on Newman Drive, are getting their meals delivered from Kurra Village.

Mr Allen Cooper, Chief Executive Officer to follow up.

13.3 SHIRE OF EAST PILBARA WEBSITE

Cr Craig Hoyer said he felt the Shire website is very hard to navigate and is it possible to make it easier for people to find information.

Mr Allen Cooper, Chief Executive Officer to follow up.

13.4 CHILDREN ROAMING THE STREETS

Cr Craig Hoyer raised the concern over the number of Martu children roaming the streets late at night and during school hours.

Mr Allen Cooper, Chief Executive Officer replied that they will again raise the issue with the relevant authorities.

13.5 DESERT ROAD TRAIL SITES

Cr Lang Coppin asked if a letter could be written to the mining companies in the Shire of East Pilbara region for sponsoring the Desert Road Trail whether it is to donate towards signage on the Trail especially Newcrest, Nifty, Woodie Woodie where the trail is close to their mining site.

Mr Allen Cooper, Chief Executive Officer to follow up.

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.

Mr Allen Cooper, Chief Executive Officer to follow up.

13.7 MARBLE BAR ROAD

Cr Shane Carter asked if a letter could be written again to the Minister for Transport regarding the sealing program for the Marble Bar Road.

Mr Allen Cooper, Chief Executive Officer to follow up.

13.8 PARNAWARRI SHOPPING CENTRE – NEWMAN

Cr Anita Grace said there is a smell outside the new Parnawarri Shopping Centre, wafting around; can the Shire please investigate.

Mr Clint Swadling, Acting Director Technical and Development Services to follow up.

13.9 NEWMAN AIRPORT

Cr Anita Grace said she had a few complaints by the Hotels about picking up guests at the Newman Airport, as their shuttles should be the same as the taxi drivers drop off and pick up area.

Mr Clint Swadling, Acting Director and Technical Services to investigate.

13.10 BBQ, LIGHTS AND WATER FOUNTAIN FOR PARK – NULLAGINE

Cr Bidy asked for an update regarding the BBQ, water fountain and lighting for the park at Nullagine.

Mr Allen Cooper, Chief Executive Officer, replied that the delay is getting power to the area.

13.11 NEWMAN AIRPORT TROLLEYS

Cr Shane Carter said he had noticed the luggage trolleys' at the Newman Airport have been installed and that people are utilising them.

14 DATE OF NEXT MEETING

27 October 2017, Newman

15 CLOSURE

12:44 PM