

Unconfirmed copy of Minutes of
Meeting held on 29 June 2018 subject
to confirmation at meeting to be held
on 27 July 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, Nullagine,
10.00 AM, FRIDAY, 29 JUNE, 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 10:15AM 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 Jeton Ahmedi	Deputy Shire President
Cr Lang Coppin OAM	Councillor
Cr Michael Kitchin	Councillor
Cr Anita Grace	Councillor
Cr Biddy Schill	Councillor
Cr Craig Hoyer	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 Kylie Bergmann	Coordinator Governance

Public Gallery

Mr Werner Schill	Community Member
Mr Anthony Anderson	Department of Mines, Industry Regulation and Safety

2.2 APOLOGIES

Councillor Apologies

Cr Gerry Parsons	Councillor
Cr Anthony Middleton	Councillor

Officer Apologies

Mrs Sheryl Pobrica	Executive Services Administration Officer
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2.3 LEAVE OF ABSENCE

Cr Carol Williams	Councillor
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3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr Werner Schill asked the following questions of Council:

1. Could the antennas for radio broadcasting be fixed? There was previously three radio stations broadcasting in Nullagine and now there is only one.

Mr Rick Miller, Director Technical and Development Services responded. Question taken on notice.

2. Has the Shire approached Millennium with regards to repairing the road at the 5 mile crossing?

Mr Rick Miller, Director Technical and Development Services replied; yes the works are scheduled to be repaired by Christmas 2018.

3. In 2010, the Shire had prepared a 5 year plan for the future directions of Nullagine. Mr Schill commented that the plan has not been progressed enough.

Shire President CR Lynne Craigie responded. Question taken on notice.

4. Mr Schill commented that Council is not being held accountable for its actions and should be representing all communities, not just Newman.

Shire President Cr Lynne Craigie responded; Councillors are held accountable through the *Local Government Act 1995*, both in their role as a Councillor and who they represent.

Shire President Cr Lynne Craigie thanked Mr Schill for his questions and comments.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY

Mr Anthony Anderson from the Department of Mines, Industry Regulation and Safety provided Council with a presentation on a seismic survey along the Desert Road.

Shire President Cr Lynne Craigie thanked Mr Anderson for the presentation.

10:27AM Mr Anthony Anderson left the Chambers.

10:29AM Mr Rick Miller left the Chambers.

10:30AM Mr Rick Miller returned to the Chambers.

5.2 LOCAL GOVERNMENT REGIONAL MANAGEMENT CHALLENGE

Mr Jeremy Edwards, Chief Executive Officer, congratulated the Shire of East Pilbara team for winning the 2018 Local Government Regional Management Challenge that was recently held in Broome. The Chief Executive Officer presented the Shire President with the trophy that the team had won as part of the Regional Management Challenge.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes May 18 2018 Council.docx](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/189

MOVED: Cr Michael Kitchen

SECONDED: Cr Craig Hoyer

THAT the minutes of the Ordinary Meeting of Council held on 18 May 2018, be confirmed as a true and correct record of proceedings.

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

To be actioned by Mr Jeremy Edwards, Chief Executive Officer.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.1.1 MAKING THE EDGE KITCHEN AVAILABLE FOR THE STORAGE AND DISTRIBUTION OF LEFT OVER FOOD

Member: Cr Biddy Schill
Councillor

Author: Mr Edmore Masaka
Manager Development Services - Health

Proposed Meeting Date: 29 June 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

10:47AM Cr Lang Coppin left the Chambers

10:49AM Cr Lang Coppin returned to the Chambers

MEMBER QUESTION

Cr Biddy Schill asked what happens to food waste which is normally thrown out.

There are many food outlets in Newman – who if they were offered collection services – would donate the food, rather than throwing it out.

Could the kitchen at the EDGE be used somehow to store and redistribute the food?

OFFICER RESPONSE

Generally the onus of management of leftover food products for food premises would be placed on the proprietors. This is due to the legislative requirements for food safety that apply to any food being distributed to the public. In as much as donated food is given out free it still needs to be provided safely i.e. within appropriate temperature parameters, within the Use by or Best Before Date as well as packaging and transporting requirements under relevant Food Legislation.

Whilst there may not be planning and zoning restrictions to this use, legal obligations stipulated under the Food Act 2008 and the Australia New Zealand Food Standard Code for anyone offering such a food service present a significant risk to the Shire.

In saying that, we would not have an issue with food businesses themselves donating leftover food within their licenced premises whilst adhering to the requirements of their food licence. There are non-profit outfits that do this type of thing such as Ozharvest and Foodbank. Council could contact them to establish whether they are in a position to offer their services in Newman.

In conclusion, it is not recommended that Council make the Edge kitchen available for this service due to the legislative risks involved as well as resourcing requirements restrictions

8.2 ITEMS FOR INFORMATION

11AM Cr Anita Grace left the Chambers

Cr Craig Hoyer attended:

- EMPA Western Australia's Disaster & Emergency Communications Conference
- BHP Whaleback Village Official Opening
- Feedback meeting with the CEO
- NCCI Business After Hours
- SoEP Councillor Workshop

Cr Gerry Parsons attended:

- Feedback meeting with the CEO
- BHP Whaleback Village Official Opening
- Presided and Australian Citizenship Ceremony
- Reconciliation Ball
- Reconciliation Family Fun Day
- NCCI Meeting
- NCCI Business After Hours
- SES Official Opening

Cr Michael Kitchin attended:

- Feedback meeting with the CEO
- Martu Cultural Awareness 22/05/2018
- WALGA Professional Speaking Training Course 12/06/2018
- Webinar Conference Independent review of State Planning Review System 11/06/2018
- Marble Bar Volunteer Fire & Emergency Services meeting

Cr Anita Grace attended:

- Feedback meeting with the CEO
- PRC Consultant Survey
- Reconciliation Ball
- Reconciliation Family Fun Day
- Martumili Exhibition Gallery Opening
- PRC Audit Committee Meeting
- Newman Liquor Accord Meeting
- Newman Women's Shelter Meeting

- WA Day Events at the Square
- Pilbara Regional Council Meeting Perth 25/06/2018
- Pilbara Regional Roads Group Meeting Perth 25/06/2018
- Martu Cultural Awareness 22/05/2018

Cr Anthony Middleton attended:

- Feedback meeting with the CEO
- SES Official Opening
- WALGA Professional Speaking Training Course 12/06/2018

Cr Jeton Ahmedi attended:

- Feedback meeting with the CEO
- SES Official Opening
- Presenting Awards at the Newman Triathlon
- Newman Vets Celebrity Match Photo

Cr Biddy Schill attended:

- Feedback meeting with the CEO
- WALGA Training Meeting Procedures & Debating 21/06/2018

Cr Dean Hatwell attended:

- Feedback meeting with the CEO
- Business After Hours meeting
- Lunch meeting with BHP 28/06/2018

Cr Lang Coppin attended:

- Feedback meeting with the CEO
- Marble Bar Volunteer Fire & Emergency Services meeting

Cr Lynne Craigie attended:

- Feedback meeting with the CEO
- SES Official Opening
- PRC Council Meeting
- Red Earth Arts Opening Karratha
- NCCI Business After Hours
- State Council Meeting
- Reconciliation Ball
- State Roads Funding Meeting
- Meeting with Minister Francis Logan

- ABC Interview – Urban Tree Canopy
- Special State Council Meeting
- State Council – Blue Sky Workshop
- ANZAC Award Judging
- ALGA Board Meeting + NGA Canberra
- LGIS Board Meeting
- Pilbara Regional Council Meeting 25.06.2018

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 STATUS OF COUNCIL DECISIONS - MAY 2018

File Ref: CLR-4-5
Attachments: [DTDS Status 091216 Item 13 5 NCCI signs Att pdf](#)
Responsible Officer: Mr Jeremy Edwards
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Governance
Proposed Meeting Date: 29 June 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:04AM Cr Anita Grace returned to 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 Council resolutions and decisions.

Please note, that the status of Council resolutions and decisions has been compiled into a singular document.

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: 201718/190

MOVED: Cr Jeton Ahmedi

SECONDED: Cr Dean Hatwell

THAT the “Status of Council Decisions” Report for the month of May 2018 be received

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mr Jeremy Edwards, Chief Executive Officer, Ms Sian Appleton, Deputy Chief Executive Officer and Mr Rick Miller, Director Technical & Development Services.

MAY 2018 COUNCIL RESOLUTIONS REGISTER							
Item No	Responsible Officer	Report Title	Accepted Recommendation	Council Resolution No.	Actioning Officer	Comments/Action Taken	Completion Date
CHIEF EXECUTIVE OFFICER							
7.1	CEO	Confirmation of Minutes	THAT the minutes of the Ordinary Meeting of Council held on 13 April 2018, be confirmed as a true and correct record of proceedings.	201718/169	CEO	Noted. No further action.	29/05/2018
9.1.1	CEO	CEO Status of Council Decisions - April 2018	THAT the Chief Executive Officer "Status of Council Decisions" Report for the month of April 2018 be received.	201718/170	ESAO	Noted. No further action.	29/05/2018
9.1.2	CEO	General Business in Council Meetings	THAT Council: 1. Remove General Business from the order of business at a Council meeting. 2. Include General Business as an item in Corporate Discussion.	201718/171	CG	Complete. Removed General Business from the Agenda/Minutes Headings within ECAPS.	29/05/2018
DEPUTY CHIEF EXECUTIVE OFFICER							
9.2.1	DCEO	DCEO Status of Council Decisions - April 2018	THAT the Deputy Chief Executive Officer "Status of Council Decisions" Report for the month of April 2018 be received.	201718/172	ESAO	Noted. No further action.	29/05/2018

9.2.2	DCEO	Review of Meeting Attendance Fees and Member Allowances	THAT Council: 1. Endorse the following annual allowances and meeting attendance fees for inclusion in the 2018/19 budget to be paid quarterly in arrears. (a) Councillor's Meeting Fees-\$161,000 (An annual fee of \$16,100 per Councillor) (b) President's Meeting Fees - \$21,600 2. A Telecommunications Allowance per annum to be paid quarterly in arrears of \$1,000 to all Councillors and \$2,000 to the Shire President. 3. A Presidential Allowance of \$44,000 per annum to be paid quarterly in arrears. 4. A Deputy Presidential Allowance of \$11,000 per annum to be paid quarterly in arrears.	201718/173	Mcorps	Completed. Will be paid in the future	14/06/2018
9.2.3	DCEO	Public Interest Disclosure Guidelines Review	THAT Council: 1. Endorse the following officers to be Public Interest Disclosure Officers: Coordinator Governance - Kylie Bergmann Manager Development Services - Building - David Everett Manager Community Safety - Brent Stein 2. Adopt the changes to the Public Interest Disclosure Guidelines 2018-2020, as attached.	201718/174	CG	Completed. 2018-2020 PID Guidelines saved in Document Centre and emailed to all staff.	29/05/2018
9.2.4	DCEO	25M Pool Upgrade Newman Aquatic Centre	THAT Council 1. Endorse concept plan A to incorporate a toddler pool connected to the end of the proposed program pool, located at the Newman Aquatic Centre. 2. Consider the inclusion of this project in the new Corporate Business Plan.	201718/175	MAP	Completed - Engineer advised and design being finalised	22/05/2018

9.2.5	DCEO	Affixing the Common Seal to the Memorandum of Understanding between the Newman Visitor Centre Incorporated and the Shire of East Pilbara	THAT Council: 1. Approve the Shire of East Pilbara entering into the updated Newman Visitor Centre Inc. Memorandum of Understanding for the provision of visitor and new resident services year period commencing 1 July 2018 and concluding on 30 June 2020. 2. Allocate \$90,000 (excluding GST) in the 18/19 budget and \$90,000 (excluding GST) in the 19/20 budget to finance the Newman Visitor Centre Inc. Memorandum of Understanding.	201718/176	MCW	Two copies of the unsigned documents have been forwarded to the Newman Visitors Centre for signing.	
9.2.6	DCEO	Newman House - New Agreement for Newman Chamber of Commerce and Industry Inc.	THAT Council 1. Approve entering into a new agreement with Newman Chamber of Commerce and Industry Inc. for office space at Newman House commencing 1st July 2018 to 30th June 2019, with 2 x 1 year Option Terms. 2. Approval to affix the Shire of East Pilbara common seal to the agreement between the Newman Chamber of Commerce and Industry Inc. and the Shire of East Pilbara.	201718/177	CPS	Completed.	6/05/2018
9.2.7	DCEO	Capital Expenditure for the 18/19 Financial Year	THAT Council approve the purchase of a 4WD vehicle for \$85,000 to be included in the 2018/19 budget, for use by the CEO.	201718/178	DCEO	Included in 18/19 Budget.	22/05/2018
9.2.8	DCEO	Investment Report	THAT Council 1. Note the Investment Report. 2. Authorise the re-investing of Deal 4687957 for \$20,669,948.91 for a further 6 months at 2.65% with Bankwest. 3. Authorise the re-investing of Deal 4706367 for \$10,180,883.59 for a further 3 months at 2.65% with Bankwest.	201718/179	MCorps	Completed/ Noted	14/06/2018

9.2.9	DCEO	Draft 2018/2019 Differential Rating Model	THAT Council 1. Approve the creation of a new Differential Rate category called Mixed Business and apply a differential rate of 3.7603 cents in the dollar; 2. Endorse the amended Objects and Reasons for the proposed differential rates as presented; 3. Include the new differential rate when applying 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.	201718/180	Mcorps	Complete/ Noted	14/06/2018
9.2.10	DCEO	Sundry Debtors Write Off	THAT the Sundry Debtors be written off:	201718/181	RFO	Invoices written off batch #8439	23/05/2018
9.2.11	DCEO	Monthly Financial Report - March 2018	THAT the monthly financial statements for the period 1st July 2017 to 31st March 2018 of the 2017/2018 financial year as presented be received.	201718/182	CFS	Completed.	23/05/2018
9.2.1.2	DCEO	Creditors for Payment	THAT Council endorse the payments.	201718/183	EFO	Completed.	23/05/2018
DIRECTOR TECHNICAL & DEVELOPMENT SERVICES							
9.3.1	DTDS	DTDS Status of Council Decisions - April 2018	THAT the Director Technical and Development Services "Status of Council Decisions" Report for the month of April 2018 be received.	201718/184	ESAO	Complete	1/06/2018
9.3.2	DTDS	Memorandum of Understanding (MOU) between Foodbank (WA) and the Shire of East Pilbara - Promoting Public Health	THAT Council 1. Approve entering into a MOU between Foodbank WA and the Shire of East Pilbara that will expire 31/12/2018. 2. Authorise the CEO to sign the MOU.	201718/185	MDS-H	Complete Agreement to be processed and signed by parties Completed	1/06/2018

9.3.3	DTDS	Affix the Common Seal to a Lease Agreement between the Shire and WTH Pty Ltd (Avis Car Rental)	THAT Council 1. Authorises the CEO to advertise the proposed disposition of land, being on Reserve 44775, Lot 571 DP71045, Drawing 95807-009-C- Lease Areas 29 and 34 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 CEO to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and WTH Pty Ltd (ACN 093 844 574) regarding Lease Area 29 (kiosk) and Lease Area 34 (car bays) at Newman Airport subject to receiving no submissions prior to the closing date.	201718/186	MDA	Complete Out for S 3.58 advertising and closes 7 May 2018. If no response, then next step is to send to State Lands.	25/05/2018
9.3.4	DTDS	Affix the Common Seal to a sublease agreement between Raw Hire and Simmcal (Northfleet)	THAT Council 1. Authorises the CEO to advertise the proposed disposition of land, being on Reserve 44775, Lot 571 DP71045, Drawing 95807-009-C- Lease Areas 29 and 34 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 CEO to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and WTH Pty Ltd (ACN 093 844 574) regarding Lease Area 29 (kiosk) and Lease Area 34 (car bays) at Newman Airport subject to receiving no submissions prior to the closing date.	201718/187	MDA Sheryl	Complete NOTE: This resolution is identical to 9.3.3 Will need to be rescinded at next Council meeting and new agenda item done. (Sheryl to organise)	15/06/2018

PREVIOUS ACTION ITEMS					
Date	Officer	Item	Action Taken / Status	Comments	Completion Date
11.2.1 28 July 2017	DTDS	DESERT ROAD MASTERPLAN Project Implementation – Cr Lang Coppin	Letters seeking funding sent to mining companies with no response. No other external funding applied for to date DWER have offer to sponsor 4 signs in Karlamilyi national park subject to being invoiced prior to end of June. A request has been sent to Central Desert Native Title Services Limited (Legal services that represent Indigenous stakeholders) seeking comment on and access to identified sign locations – Some prelim advice has been provided but still being assessed.	Cr Lang Coppin has put up a Member Report for the June Council meeting.	Ongoing
13.4 28 Sept 2012	DTDS	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN	Prelim Alignment selected Lidar Site Survey complete Intersection location approved by MRWA Flora and Flora Survey complete Officers to develop RFQ to prepare business case and detailed design and costings	Funding to complete the Design documentation and specifications to a shovel ready stage will be in the 2018/19 budget for consideration.	Sept 2019
13.5 9 Dec 2016	DTDS	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?	NCCI would like an information business sign installed at the main town entry information bay on Kalgan Drive. Concept options complete and attached. Option 1 Standalone \$20,000 Option 2 Back of Existing \$10,000 Option 3 Replicate existing Info Bay signage and paving – \$80,000. No funding allocated and NNCCI have very little that they could allocate – Officers will investigate external options in conjunction with NCCI.	The idea is that to allow NCCI develop an income stream that, businesses would pay a nominal fee to install a sign for a period of 12months on the main display sign. These signs would be easily installed and removed as required. As Attachment.	Complete

3.2.3 9 March 2018	DTDS	CALOTROPIS DECLARED WEED Cr Biddy Schill 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 Dept. of Agriculture regarding the controlling of the weed. Cr Schill said it may be possible for the KJ Rangers to take the project on?	A search on the West Australian Organism List, there are 2 species of Calotropis with one of them being a declared weed, see below. The top one (Figure 1), Calotropis gigantea, commonly known as giant milkweed, is a permitted weed in accordance with section 11 of the Biosecurity and Agriculture Management Act 2007. The bottom one (Figure 2), Calotropis procera (Aiton) W.T. Aiton commonly known as rubber bush is the declared weed but carries an Exemption under Section 22(2) of the Act under reference, meaning that there is no legal requirement and/or prosecution in cases where the landholder fails to control the declared pest, but encourages them to do so to reduce the risk to their lands. The control of such a weed is the responsibility of the land owner. Mr Tristan Cole, the Ranger program Manager with KJ advises that if we can provide a location of Calotropis, one of his staff will endeavour to pick up a sample to identify and determine which Calotropis it is. This could take a little while as we infrequently travel to Punmu, every 4-6 weeks.to call back so that I can find out whether they can take on the project to control this weed only if it is confirmed to be the species declared as a pest. <i>Calotropis gigantea</i> (L.) Dryand. ex W. T. Aiton Family: Ap Permitted - s11 Common name: giant milkweed. <i>Calotropis procera</i> (Aiton) W.T.Aiton Family: Apocynaceae Declared Pest - s22(2) (Exempt) Common names: rubber bush, Calotropis.	Complete
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Figure 1: *Calotropis gigantea*



Figure 2: *Calotropis procera*



9.1.2 CHANGE OF TIME FOR ORDINARY MEETINGS OF COUNCIL

Responsible Officer: Mr Jeremy Edwards
Chief Executive Officer

Author: Mrs Kylie Bergmann
Coordinator Governance

Proposed Meeting Date: 29 June 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider changing the time of the Ordinary Council Meetings (**OCM**) for July, August, September and October 2018, to commence at 12:30pm.

BACKGROUND

On 27 June 2003, Council approved Policy No. 1.3 – Council Meetings – Dates & Times, which indicates that Council meetings shall normally commence at 10am. Corporate Discussion precedes the Council Meeting from 9am-10am.

At the OCM on 18 May 2018, Item 9.1.2, Council resolved to remove General Business from the order of business at Council meetings and instead, include General Business as an item in Corporate Discussion.

With General Business now removed from the order of business at Council meetings, more time is required for Corporate Discussion to enable administration to effectively brief Council upon projects, programs and services that are to be planned over the coming years.

It is therefore proposed, that Corporate Discussion run from 8:30am – 12pm, with a break for lunch from 12pm-12:30pm. It is proposed that the Council meeting will then commence at 12:30pm.

COMMENTS/OPTIONS/DISCUSSIONS

The Council meeting dates/time have already been set by Council for July, August, September and October 2018, as below:

27 July 2018	10am
24 August 2018	10am
21 September 2018	10am
26 October 2018	10am

The only requirement to changing the time of the Council meetings, is that we must give local public notice of the change (Reg 12(2) *Local Government (Administration) Regulations 1996*).

It is also proposed that Council give consideration to amending the location of the OCM schedule for September 2018. Currently, Council resolved to hold this meeting in Marble Bar. It is proposed to hold this meeting in Newman at the Council Chambers. The reason being is that the administration is attempting to brief Council on a number of matters and require as much time as possible with Council, along with having staff available to present and provide updates. If the meeting is held in Marble Bar then this would present some challenges around resources and getting staff to and from Marble Bar in a day.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 2 - Council meetings, committees and their meetings and electors' meetings

Subdivision 3 - Matters affecting council and committee meetings)

5.25. Regulations about council and committee meetings and committees (pg 143)

Local Government (Administration) Regulations 1996

Part 2 – Council and committee meetings

12. Public notice of council or committee meetings – s5.25(1)(g)

POLICY IMPLICATIONS

1.3 COUNCIL MEETINGS – DATES AND TIMES

If Council accepts the proposed change of time for OCM, Policy 1.3 Council Meetings – Dates and Times will need to be amended to reflect this change.

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

As long as local public notice of the change of time is given, there is no risk to Council.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. Change the time of the following Ordinary Council Meetings to commence at 12:30pm:
27 July 2018
24 August 2018
21 September 2018 (Newman)
26 October 2018
2. Change the location of the OCM on 21 September 2018 to be held in Newman.
3. Give local public notice of the changes, in accordance with r.12(2) of the *Local Government (Administration) Regulations 1996*.

MOTION

MOVED: Cr Jeton Ahmed

SECONDED: Cr Biddy Schill

THAT Council:

1. Change the time of the following Ordinary Council Meetings to commence at 12:30pm:
27 July 2018
24 August 2018
21 September 2018 (Newman)
26 October 2018
2. Change the location of the OCM on 21 September 2018 to be held in Newman.
3. Give local public notice of the changes, in accordance with r.12(2) of the *Local Government (Administration) Regulations 1996*.

AMENDMENT

MOVED: Cr Dean Hatwell

SECONDED: Cr Lang Coppin

THAT the Ordinary Council Meeting scheduled for 21 September 2018 be in Marble Bar, and that part 2 be deleted.

CARRIED

5-3

REASON FOR AMENDMENT

Council wanted the location of the Ordinary Council Meeting on 21 September 2018, to remain in Marble Bar.

The Amendment formed part of the substantive motion, which was then put.

COUNCIL RESOLUTION: 201718/191

MOVED: Cr Dean Hatwell

SECONDED: Cr Lang Coppin

THAT Council:

1. Change the time of the following Ordinary Council Meetings to commence at 12:30pm:
27 July 2018
24 August 2018
21 September 2018 (Marble Bar)
26 October 2018
2. Give local public notice of the changes, in accordance with r.12(2) of the *Local Government (Administration) Regulations 1996*.

CARRIED

RECORD OF VOTE: 6-2

To be actioned by Mrs Kylie Bergmann, Coordinator Governance

**9.1.3 FINANCIAL CONTRIBUTION TOWARDS A COST BENEFIT ANALYSIS ON
INVESTING IN VERY REMOTE ABORIGINAL COMMUNITIES**

Attachments: [KJ SVA proposal for the study pdf](#)
Responsible Officer: Mr Jeremy Edwards
Chief Executive Officer
Author: Mr Jeremy Edwards
Chief Executive Officer
Proposed Meeting Date: 29 June 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider providing financial assistance to a proposal from Kanyirninpa Jukurrpa (KJ) for a Cost Benefit Analysis of Investing in Very Remote Aboriginal Communities.

BACKGROUND

The Chief Executive Officer (CEO) has recently held meetings with a number of community groups in Newman and in particular has participated in the new Reference Group meetings facilitated by the Officer in Charge of the Newman Police Station. The need for a strategy to develop Martu desert communities has been raised on a number of occasions, along with the issue of services and facilities relevant and specific to the Martu.

In a recent meeting that the CEO held with (KJ), he was advised that KJ have commissioned Social Ventures Australia (SVA) to prepare a cost benefit study to quantify the benefits of investing in remote Martu communities. The study will primarily consider potential investment by the WA State Government in additional housing and associated community facilities in order to reduce the number of Martu moving out of the communities and into Newman. It has been reported, that whilst the Martu are within Newman they are subject to the temptations and destructive effects of alcohol and drug abuse. This in turn leads to an increased level of anti-social behaviours.

KJ are a Martu specific service provider and undertake extensive consultation with the Martu. They are strong in supporting the need for a strategy that will assist in developing Martu communities. They have indicated that the Martu are seeking support for a place-based strategy that focuses on investment in social development in their remote, desert communities. This builds on some of the strengths of those communities being – safety, strong employment, education, and also recognises the destructive impact of alcohol in Pilbara towns.

KJ strongly advocate that Newman is not safe. Recent detailed consultations emphasise broad conclusions as to whether there is greater hope for Martu social development in towns (Newman and Port Hedland) or in remote communities.

The following background summary provides information on these conclusions and high-level data illustrating the factual basis for these Martu conclusions.

Martu want to live in desert communities because they offer:

- Cultural continuity – land, language, lore, family, knowledge from elders;
- A safe, dry environment;
- Greater safety for women and children;
- More jobs – over \$2m in Martu wages in communities in 2016/17;
- Better education for children than is possible in town.

Martu see town as negative because of:

- Abuse of alcohol and drugs leading to:
 - Death;
 - Crime – both adult and juvenile;
 - Incarceration (about 70 Martu imprisoned at any time);
 - Poor child welfare (hungry, roaming kids) and high interaction with DCP;
 - Little or no education for children;
 - Violence, particularly against women;
 - An unsafe environment for women and children;
 - Increasing incidence of FASD.
- Fewer jobs for Martu.

The total cost for conducting this study will be approximately \$102,200 (inc GST). KJ have requested financial support from the Shire in the order of \$30,000 (Ex GST).

COMMENTS/OPTIONS/DISCUSSIONS

KJ have advised that the concept of the cost benefit study arose from meetings held with the WA State Treasurer and Minister for Housing, at which the potential benefits of enabling Martu to live in their alcohol free communities rather than in Newman, were discussed. The proposed study will compare the cost of investing in the remote desert communities with the costs incurred in Newman for housing Martu. Further, the study will analyse the identifiable costs resulting from alcohol induced anti-social behaviours.

For the purpose of the study, the specific costs of investing in just one community, Parnngurr, will be compared with relevant Newman-based costs by examining the following four scenarios:

- Base Case: examines the scenario of no policy change, where Parnngurr's longevity is jeopardised by deteriorating housing.
- Scenario 1: Withdrawal – state funding for infrastructure and services in Parnngurr is withdrawn.
- Scenario 2: Minimal investment – examines the scenario in which the minimum necessary investment is made in community housing to avert an exodus of residents from Parnngurr.
- Scenario 3: Appropriate investment – examines the scenario in which the WA government prudently invests in Parnngurr's housing and community

development, reducing the incentive for Martu to visit or relocate to Newman and incentivising a small number of Martu to relocate from Newman to Parnngurr.

To conduct this analysis, a financial model is being developed to calculate the costs under each of these scenarios and to enable the sensitivity of key assumptions to be tested. The model will use authoritative demographic data for the Martu population in the desert communities and Newman. So far as possible, housing and other infrastructure costs will be sourced from, and/or verified with, appropriate government agencies. The social costs in Newman will focus on a relatively small number of discrete costs for which authoritative independent data can be compiled.

Assumptions about the level of increased costs will be based on existing populations (both town-based and visiting) and patterns of alcohol-related events. The cost of predictable demographic changes and of various levels of increased movement into town can then be tested against levels of investment for community infrastructure and essential services required to maintain vibrant, dry remote communities.

During the course of the study, the assumptions used in the model and the results generated will be reviewed with relevant stakeholders to ensure that the conclusions resulting from the study reflect inputs that are broadly accepted.

SVA will have responsibility for the study methodology and for the reliability of the conclusions.

A copy of SVA's proposal for the study is attached (**Appendix 1**).

Project Cost and Proposed Funding:

Project Budget	Excl GST	Total incl GST	
<u>SVA Cost</u>			
SVA Fees – quote	55,545	61,100	
SVA expenses – estimate		3,000	
Total SVA Cost			64,100
<u>KJ Cost</u>			
Staff time costs		33,600	
Travel expenses		2,500	
Consultant – for review		2,000	
Total KJ Cost			38,100
Total Project Cost			102,200

The issues surrounding the Martu are very complex. Recently the Council embarked upon a review of its Strategic Community Plan (SCP) and engaged the services of consultancies Research Solutions and Learning Horizons to undertake comprehensive community consultation along with developing a new SCP.

The summary findings from the SCP consultation process, that Council should consider when considering support for this proposal, are:

With regards to Reconciliation and Inclusion it was noted in the Research Solutions' report that: "Newman is perceived as an inclusive and multicultural community but

conversation through the engagement process suggest that there are limits to inclusiveness: in practice, the Martu population and “town” population live quite separately.” It went on to say: “Both groups acknowledge the destructive impacts of anti-social behaviours on individual lives and community relations. Many describe inequity in social and environmental conditions and opportunity – but not all are liberal in outlook. ”

Further on in the Research Solutions Report, as part of the Martu consultation, it was noted: “Given that the communities are not subject to governance by the Shire, there’s a need for ongoing consultation with the Martu people and KJ to determine the nature of the Shire’s role in contributing to achieving residents’ aspirations.” The Community aspirations include: “The wants and needs expressed in the consultation exercise feed in to the aspiration for more sustainable communities, where the culture and Martu way of life can be kept strong, where health outcomes are improved, there are good employment prospects and plenty of opportunities for young people to positively engage with their communities and live full, productive and happy lives.”

This project and social investment has also been discussed with other agencies in Newman and it has been reported that agencies such as Puntukurnu Aboriginal Medical Service, Newman Women’s Shelter, Mission Australia and East Pilbara Independent Services have all indicated financial support for this project and if Council agreed to funding \$30,000 then the study would be fully funded and commence within the coming months.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

8.4 ABORIGINAL AFFAIRS POLICY

8.5 RUBBISH PITS – ABORIGINAL COMMUNITIES

10.1 ABORIGINAL COMMUNITIES – ROAD AND AIRSTRIP DESIGNATION AND MAINTENANCE

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.

- 2.1.1 Promote safe and healthy communities
Partnering With: NGO’s, State Government
Responsible officer: MCW
Timing: 1-3 years
- 2.1.4 Support individual and community health
Partnering With: NGO’s, State Government, Industry

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
- 2.4.4 Equity and opportunities for all
Partnering With: Federal Government, State Government, Industry, NGO's and
Indigenous groups
Responsible officer: MCW
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Nil.

FINANCIAL IMPLICATIONS

\$30,000 - to be included within the 2018/19 budget.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/192

MOVED: Cr Anita Grace

SECONDED: Cr Michael Kitchin

THAT Council allocate \$30,000 (ex. GST) in its 2018/19 Budget to provide assistance towards a study proposed by Kanyirninpa Jukurrpa for Investing in Very Remote Aboriginal Communities, a Cost Benefit Analysis.

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 6 - 2

To be actioned by Mr Jeremy Edwards, Chief Executive Officer.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2.1 CORPORATE BUSINESS PLAN REVIEW

File Ref: STR-1-1

Attachments: [Shire of East Pilbara Corporate Business Plan 100513v3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sian Appleton
Deputy Chief Executive Officer

Proposed Meeting Date: 29 June 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:30AM Mr Werner Schill left the Chambers

REPORT PURPOSE

The purpose of this report is to provide Council with information on the review of the Corporate Business Plan 2013/14 – 2016/17.

BACKGROUND

On 26 May 2010, the Minister for Local Government introduced regulations which established new requirements for the Plan for the Future under the Local Government Act 1995. Under these regulations, all Local Governments in Western Australia were required to have developed a Corporate Business Plan which would drive the development of each Local Governments 2013/2014 Annual budget.

The Shire of East Pilbara's Corporate Business Plan was adopted in 24 May 2013 in line with these regulations, with notice being given to the public that the plan had been adopted.

In line with regulatory requirements, the Corporate Business Plan is to be reviewed annually.

COMMENTS/OPTIONS/DISCUSSIONS

The current Corporate Business Plan is under major review and should be presented to Council for endorsement shortly. Up until that time the current Corporate Business Plan is still applicable.

A review of this document has been undertaken to ensure its pertinence until the new Corporate Business Plan is adopted.

The review indicated that no changes were necessary to the document at this stage.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 5 - Annual reports and planning) 5.53. Annual reports (pg 159)

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

Legislative Risk – Annual review of Corporate Business Plan is required under legislation.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/193

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

THAT Council note the review of the 2013/14 – 2021/22 Corporate Business Plan.

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

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

9.2.2 DIFFERENTIAL RATE SUBMISSIONS 2018/19

File Ref: FIN-22-1

Attachments: [Differential Rates Submission East Pilbara.pdf](#)
[Minerals-Feesandcharges 2017.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sian Appleton
Deputy Chief Executive Officer

Proposed Meeting Date: 29 June 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider all differential rate submissions and initiate the process for Ministerial Approval regarding the approved 2018/2019 differential rating mode.

BACKGROUND

At the Ordinary Council Meeting held 13th April 2018 Council resolved to advertise the following proposed differential rates for the 2018/2019 financial year which would result in a general 3% increase in rates income yield. All minimums remained unchanged.

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 Accommodation	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

At the Ordinary Council Meeting held 18th May 2018 Council resolved to add a new rate category and differential rate as below.

Proposed New Rate Category and Differential rate as below:

Category	2018-19 Rate in Dollar Proposed	2018-19 Minimum
Gross Rental Value – Mixed Business	3.7603	\$663

COMMENTS/OPTIONS/DISCUSSIONS

Gross Rental Value (GRV)

No submissions were received regarding the proposed rate in the dollar for the GRV rating category. There is nothing further to consider for this category prior to applying for Ministerial approval of the rate in the dollar.

Unimproved Value (UV)

One submission was received regarding the proposed rate in the dollar for the UV rating category as attached.

The submission requests Council consider a lower rate in the dollar for Exploration/Prospecting Licences based on the following -

“There are different types of mining tenements under the Mining Act 1978. A Mining Lease would be required to extract minerals for the purpose of sale. Exploration/Prospecting Licences only allow the holder to search for and test to establish the potential presence of mineralisation. These licences do not accord rights of production or development, and there are limits on the total material (including overburden) that may be removed over the whole term of a licence. Exploration activities are normally of low intensity and short duration with minimal impact on Shire infrastructure and services. As such, they are not characterised by the same traffic volumes or weights or demands on Shire infrastructure and resources.”

Council should consider however that different rents are already applied to different types of mining tenements as the attached brochure shows. UV values are based on these rental values.

The submission also states that –

“In 2018-2019, the Department will increase the rent rate by 1.5% for exploration licences and 6% for prospecting licences and all other mining tenements to fund the Exploration Incentive Scheme (EIS). This rent increase will result in an automatic increase in rates even before any further increase in the rate in the dollar or minimum is applied by the Shire. The EIS is aimed at generating exploration activity and the lower rent rate increase for exploration licences is intended to protect the junior sector in finding the deposits of the future. Further increase in rates on top of the automatic increase, may amount to double-dipping and diminish these intended effects.”

Officers have spoken to the Mines Department and have been informed that no decision has yet been made on whether the rents will increase.

Other Pilbara Council UV rate in the dollar comparisons –

18/19 UV Rate in the Dollar		
Shire	Rate in the \$	Minimum
Town of Port Hedland		
UV Mining	37.1665	\$270
UV Other	21.4200	\$2,000
UV Pastoral	10.7558	\$2,000
City of Karratha		
UV Mining/Other	13.6414	\$319
UV Pastoral	10.1606	\$319
Shire of Ashburton (Based on 17/18 figures)		
UV Mining / Other	39.0116	\$1,037.50

It is therefore the view of the administration that differences in mining tenement categories is already given consideration in the differences of rents paid to the Department of Mines. These rents form the basis on the UV values of tenements on which our rates are based and therefore ultimately consideration has already been given to the category of mine when the rate cost is determined. Secondly as there has been no decision from the Department of Mines regarding rent increases Council cannot currently be asked to alter a decision on a speculation. We therefore do not recommend any changes in accordance with the submission received.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 2 - Categories of rates and service) 6.33. Differential general rates (pg 235) makes provision for the application of differential rates and that Ministerial approval is required to impose a differential rate which is more than twice the lowest differential rate.

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 2 - Categories of rates and service) 6.35. Minimum payment (pg 236)

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 2 - Categories of rates and service) 6.36. Local government to give notice of certain rates (pg 237) makes provision for the advertising requirements of imposing differential rates.

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 2 - Categories of rates and service) 6.7. Ground of Objection (pg 266) provides that if a local government imposes a differential general rate a person may object to the rate record.

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

Legislation Risk – Application to the Minister of Local Government, Sport and Cultural Industries will be outside the legislated guidelines for acceptance of Council's budget.

FINANCIAL IMPLICATIONS

There are no current resources allocated, will need to be considered as part of next budgetary process.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/194

MOVED: Cr Anita Grace

SECONDED: Cr Dean Hatwell

THAT Council having considered submissions regarding the advertised 2018/19 Differential Rates Model, pursuant to Section 6.33 of the Local Government Act 1995:

- 1. Note that one submission was received regarding the proposed differential rates model 2018/2019;**
- 2. Seek Ministerial approval for the following differential rates categories being greater than two times the lowest rate in the dollar as follows –**

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 Accommodation	6.8077	\$663
Gross Rental Value – Mixed Business	3.7603	\$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

- 3. Respond to the submitter regarding the decision of Council regarding their submission.**

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

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

11:34AM Council meeting adjourned for a short recess

MOVED: Cr Michael Kitchin

SECONDED: Cr Jeton Ahmedi

11:52AM Council meeting resumed

MOVED: Cr Dean Hatwell

SECONDED: Cr Biddy Schill

9.2.3 AUTHORISATIONS AND DELEGATIONS MANUAL ANNUAL REVIEW

File Ref:	LEG-2-6
Attachments:	2018-2019 Authorisations and Delegations Manual
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Governance
Proposed Meeting Date:	29 June 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the 2018-2019 Authorisations and Delegations Manual.

BACKGROUND

Pursuant to section 5.46(2) of the *Local Government Act 1995* the delegations register shall be reviewed at least once every financial year. Council last reviewed the Authorisations and Delegations Manual on 30 June 2017.

COMMENTS/OPTIONS/DISCUSSIONS

Currently, Council maintains its delegations manually through a word based document. We have recently purchased an online compliance system (ATTAIN) which we will use to manage all aspects of the organisations delegations. This includes:

- Keeping track of all organisational positions with delegated authority;
- Printing individual instruments of delegation;
- Printing the Delegations Register; and
- Editing, amending and removing delegation easily (which includes an audit trail).

The program has not yet been rolled out to staff however; it should be ready for July 2018.

The current Authorisations and Delegations Manual has been reviewed. Details of the changes are listed below:

No.	Delegation	Amendment
3.1	<i>Bush Fires Act 1954</i> – Appointment of Bush Fire Control Officer	In accordance with the MOU between the SoEP and DFES, change the bush fire control officers as below: DFES Hedland Area Officer = Chief Bush

		Fire Control Officer Manager Community Safety = Deputy Chief Bush Fire Control Officer CRES & Rangers = Fire Control Officers
		Remove MDs-Health as a Fire Control Officer
4.0	Election of Presiding Members and Deputies – Delegation	Remove reference to s.5.12 – Presiding members and deputies, election of. This is a reference to Committees. Correct section to reference is s.2.11(1)(b) and s.2.15.
4.2	Administer Local Laws	Add condition that a register of Authorised Persons, appointed to administer local laws, is to be maintained.
4.4	Community Assistance Grants and Quick Grants	Increase level of authority to approve Quick Grants from \$300 to \$500 – in line with current processes. Remove condition that only one grant may be approved per group, per annum – in line with current process.
4.6	Execution of Documents	Add Manager Martumilli as sub-delegate to sign documents on behalf of the local government
		Add the following condition for the Manager Martumilli: The Manager Martumilli may only sign the following Martumilli agreements that are with and on behalf of the artists: • Consignment agreements • Copyright agreements • Artist agreements • Collaborative agreements
4.8	Issue of notices, cautions and infringements	Add condition that a register of Authorised Persons, appointed to issue notices, cautions and infringements, is to be maintained.
4.9	Legal Matters	Add condition that an employee appointed to represent the Shire of East Pilbara in legal proceedings, must be appointed in writing signed by the CEO [s9.29(2)(b)].
		Remove requirement that the CEO is delegated authority to obtain legal advice and opinions – this is an operational matter – delegation not required.
4.10	Limitation may be placed on who can tender	Change of title to ‘Expressions of Interest for Goods and Services’ to align with wording in the Act.
4.11	Making of the decision to invite tenders	Change of title to ‘Authority to invite tenders’ to align with wording in the Act.
4.12	Payments to employees in addition to contract or award	Add condition – Where a payment is made to an employee whose employment is finishing,

		and is more than set out in Council's Gratuity Policy, the CEO must cause local public notice to be given in relation to the payment made [s5.50(2) of the Act].
5.1	Agreement as to payment of rates and service charges	Remove delegation from the register. This delegation is a duplication – already accounted for in delegation 5.9 – Rate record.
5.2	Authority to waive fees	Add delegation as follows: Authority to grant an extension of time to pay in relation to any amount of money owed to the Shire of East Pilbara.
		Add condition as follows: Any agreement to extend time to pay must be made in writing.
5.3	Authority to write off monies	Remove condition 'The maximum rates write off is \$500.' Under section 6.12(2) of the Act, the power to write off monies does not apply to monies owing in respect to rates or service charges.
5.4	Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices	Added the following conditions: 1. Any agreement to extend the time to pay, waive or reduce penalties shall be made in writing. 2. Authority to waive or reduce penalties is limited to \$5000. 3. If a Director/Deputy Chief Executive Officer makes a decision NOT to withdraw an infringement, and an objection is received as a result of that decision being made, the matter shall be referred to the Chief Executive Officer for determination.
5.6	Municipal fund and trust fund	Remove delegation from the register. Duplication of delegation 5.7 – Payment of accounts.
5.8	Power to Invest	Increase the level of investment authority from \$5 million to \$15 million. Anything over \$15 million must be authorised by Council.
5.9	Rate Record	Combine delegations 5.1 and 5.10 into this delegation.
		Add the following conditions: 1. Delegates must comply with the requirements of s.6.40 of the Act; 2. Any agreement for the payment of rates or services charges must be made in writing, and must ensure acquittal of the rates of service charges debt before the next annual rates or services are levied. 3. A delegate who has participated in any matter contributing to a decision related to

		the rate record, which is the subject of a Rates record objection, must NOT be party to any determination to grant an extension of time or to allow or disallow any objection to the rate record.
5.10	Rates or service charges recoverable in court	Remove delegation from the register. This delegation is a duplication – already accounted for in delegation 5.9 – Rate record.
5.11	Recovery of impounding expenses	Added Director Technical & Development Services as subdelegate.
6.12	Food Act 2008 – Appointment of Authorised Persons and Designated Officers	Add conditions, as below: 1. A person who is a Designated Officer for the purposes of issuing infringements cannot be a designated officer for the purposes of extending time for payment or withdrawing infringements. 2. A list of authorised and designated officers must be prepared and maintained in accordance with s.122(3) of the <i>Food Act 2008</i> . 3. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
6.13	Food Act 2008 – Prohibition Orders	Add condition as below: In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
6.14	Food Act 2008 – Prosecutions	Add delegation as follows: Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in court [s.54(2)].
		Add condition as follows: In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
6.15	Food Act 2008 – Registration of a food business	Add condition, as below: In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
6.16	Planning and Development Act 2005	Under statutory framework add: 5.42 – Delegation of some duties and powers to the CEO. (1) A local government may delegate to the

		CEO the exercise of any of its powers or the discharge of any of its duties under: (b) the <i>Planning and Development Act 2005</i>
7.4	Cat Act 2011 – Delegations	Under delegation, remove reference to local laws...we do not have a Cat Local Law.
7.5	Disposing of confiscated or uncollected goods	Removed reference to s.3.47A sick or injured animals, disposal of – new delegation created specifically for this.
7.6	Entry to Property	Re-word delegation, to allow for proper execution of officer functions and duties: (copied WALGA template):
		Add condition on delegation: That delegated authority may only be used, where there is imminent or substantial risk to public safety or property.
7.10	Resumption of land	Re-name delegation from 'Resumption of land' to 'Acquisition of land'.
		Add the following condition: A local government can only take land under Part 9 of the <i>Land Administration act 1997</i> if it is in, or is to be regarded as being included in, its own district [s.3.55].
7.14	Graffiti Vandalism Act 2016 – Delegations	Re-name delegation from 'Graffiti Vandalism Act 2016 – Delegations' to 'Graffiti Vandalism Act 2016 – Notices.'
		Expanded on current delegation, in line with WALGA template.
7.15	Disposal of sick or injured animals	New delegation – previously referenced under 7.5 – disposing of confiscated or uncollected goods. Separated out to align with the Act.
7.16	Declare vehicle is abandoned wreck	New delegation. Delegation required to allow officers to properly undertake their duties.
7.17	Graffiti Vandalism Act 2016 – Remove Graffiti on Private Property	New delegation. Not previously accounted for in delegation. Copied WALGA template.
7.18	Bush Fires Act 1954 – Firebreaks	New delegation included as a matter of compliance. The approval and issue of Firebreak Order is already something the CEO does on an annual basis.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 4 – Local government employees) 5.46. Register of, and records relevant to, delegations to CEO and employees (pg 155)

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

RISK MANAGEMENT CONSIDERATIONS

Pursuant to section 5.46(2) of the *Local Government Act 1995*, Council is required to review the delegations register at least once every financial year. Failure to do so would result in non-compliance.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council adopt the 2018-2019 Authorisations and Delegations Manual as presented.

MOTION

MOVED: Cr Michael Kitchin

SECONDED: Cr Dean Hatwell

THAT Council adopt the 2018-2019 Authorisations and Delegations Manual as presented.

AMENDMENT

MOVED: Cr Lang Coppin

SECONDED: Nil

That Council amend Delegation 4.4 – Community Assistance Grants and Quick Grants – so that only one Quick Grant may be approved per group, per annum.

LOST
1-7

COUNCIL RESOLUTION: 201718/195

MOVED: Cr Michael Kitchin

SECONDED: Cr Dean Hatwell

THAT Council adopt the 2018-2019 Authorisations and Delegations Manual as presented.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 7 - 1**

To be actioned by Mrs Kylie Bergmann, Coordinator Governance

9.2.4 POLICY MANUAL ANNUAL REVIEW

File Ref:	LEG-2-1
Attachments:	2018-2019 Policy Manual
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Governance
Proposed Meeting Date:	29 June 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the 2018-2019 Policy Manual.

BACKGROUND

s.2.7 of the *Local Government Act* specifically mentions the making of policies as a role of Council. However, there is no requirement under the Act to review the Council's policies. In this regard, the Council has determined that its Council Policies should be reviewed on an annual basis in order to reflect the current position of Council and work practices at the Shire.

COMMENTS/OPTIONS/DISCUSSIONS

Council last reviewed its Policy Manual on 30 June 2017.

A review of the current Policy Manual has been undertaken with minor amendments suggested.

A summary of the changes is presented below:

Policy No.	Policy Title	Nature of change
1.3	Council Meetings – Dates & Times	Amend time for commencing Ordinary Council Meetings from 10:00am to 12:30pm (Separate Agenda Item included).
1.9	Location of Council Meetings	Amend policy so that meetings are normally held in Newman, with one meeting being held annually in Marble Bar and Nullagine (previously 2 meetings per year in Marble Bar).
1.11	Shire President & Councillors – Attendance Fees, Expenses and	At paragraph (d) remove reference to the meeting held on 3 February 2006, so it reads: The Shire President and Councillors are to be paid travel costs for the use of private vehicles

	Allowances	at the current rates adopted by Council...
1.13	Use of Council Chambers	Remove reference to Committee Room – we don't have one.
2.1	Human Resources	Add points 5. And 6. as follows: 5. All new employees shall be made aware of the Staff Procedures manual during the induction process and shall sign an acknowledgement form acknowledging receipt of the Staff Procedures Manual. 6. Any changes to the Staff Procedures Manual shall be communicated to all staff.
4.2	Complaints Against Third Parties	At point 2 remove reference to complainants name being made known. A complainants name should not be made known to the third party – goes against industry privacy practice.
4.11	Legislative Compliance	Under the paragraph heading Implementation of Legislation – remove reference to the CEO Procedure's Manual – does not exist anymore.
		Add paragraph: Review – This policy shall be reviewed at least every 2 years.
4.13	Social Media Policy	Following on from Amanda Curby's presentation to Council on 18 May 2018, amend policy to include Instagram.
6.8	Photographing people and publishing photos	Combine the 2 consent forms into 1. We should not discriminate against Indigenous people by insisting that complete a separate form. Instead, we can include the disclaimer re. photos of deceased persons on the one consent form for everyone.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

1. Policies relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.
2. The objectives of the Council's Policy Manual are:
 - a. To provide Council with a formal written record of all policy decisions;
 - b. To provide staff with precise guidelines in which to act in accordance with Council wishes;
 - c. To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
 - d. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
 - e. To enable Councillors to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;

- f. To enable residents and ratepayers to obtain immediate advice on matters of Council policy.
- 3. Changes to Council Policy shall be made only on:
 - a. Notice of Motion; or
 - b. An agenda item clearly setting out details of the amended policy; or
 - c. At the annual review of Council's Policy Manual, subject to verification from the Chief Executive Officer.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

RISK MANAGEMENT CONSIDERATIONS

Although not legislatively required, Council should review its Council Policies annually to ensure that policies reflect the current position of Council and work practices at the Shire.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION: 201718/196

MOVED: Cr Anita Grace

SECONDED: Cr Michael Kitchin

THAT Council adopt the 2018-2019 Policy Manual as presented.

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

NOTE:

In relation to Policy 1.9 – Location of Council Meetings - Council wanted two meetings to be held in Marble Bar annually, and not one meeting per year as recommended by the officer. The mover and seconder were in agreeance therefore, there was no need to put forward an amendment to the substantive motion.

To be actioned by Mrs Kylie Bergmann, Coordinator Governance

9.2.5 CODE OF CONDUCT ANNUAL REVIEW

Attachments:	2018-2019 Code of Conduct
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Governance
Proposed Meeting Date:	29 June 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to review and adopt the 2018-2019 Code of Conduct.

BACKGROUND

The Code of Conduct is a requirement of the *Local Government Act 1995*, section 5.103. The legislative requirement to conduct an annual review of the Code of Conduct, as per the *Local Government Act 1995*, section 5.103(2), has since been repealed. However, keeping in line with Council's policy to review policies and procedures annually, the decision to review the Code of Conduct annually will remain.

COMMENTS/OPTIONS/DISCUSSIONS

Council last conducted a review of the Code of Conduct on 30 June 2017.

A further review has been conducted. Only minor changes were made as can be seen in the attached draft and highlighted by the track changes.

A summary of the changes is presented below:

Code of Conduct Amendments 2018-2019	
Page No.	Nature of change
All	Relabel the word 'staff' to employee in all instances – in line with the same wording used in the LG Act and Regulations.
	To aid understanding, relevant legislation has been referenced in the Code and is indicated by the highlighted boxes.
5	Rename heading 1 to Introduction
	The Code is complementary to the principles adopted in the LG (Rules of Conduct) Reg 3(1) which incorporates 8 fundamental aims (not 4 as in our previous Code).
9	3.2 – Financial Interests. Insert the following paragraph: <i>The onus is on individual Council Members, Committee Members and employees to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists, and whether any statutory exemption applies.</i>

	3.3 – Impartiality Interests – insert this new paragraph
10	3.4 – Notice and recording of impartiality interests – insert this new paragraph
12	Rename heading 4 to Personal Benefit to Use of Information
	4.2 – Intellectual property – insert definition
11	Rename heading 5 to Gifts and Benefits
	5.1 – Insert definition of a gift
16	Rename heading 6 to Professional Conduct

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 9 - Conduct of certain officials) 5.103. Codes of conduct (pg 195).

Local Government (Rules of Conduct) Regulations 2007

Local Government (Administration) Regulations 1996

Regulation 34B and 34C

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

RISK MANAGEMENT CONSIDERATIONS

To ensure that legislative changes pertaining to the Code of Conduct are adopted and implemented, it is important for the annual review to be carried out. Failure to complete the review creates risks that can result in non-compliance and also providing the users and the community with an outdated document.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/197

MOVED: Cr Anita Grace

SECONDED: Cr Michael Kitchin

THAT Council adopt the 2018-2019 Code of Conduct as presented.

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

To be actioned by Mrs Kylie Bergmann, Coordinator Governance

9.2.6 MONTHLY FINANCIAL REPORT - APRIL 2018

Attachments:	Financial Report - April 2018.pdf Capital Projects April 2018.pdf April 2018 Variance Report.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Noelene Holmes Coordinator Financial Services
Proposed Meeting Date:	29 June 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 30th April 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)

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

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

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

This report is part of ensuring the 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: 201718/198

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

That the monthly financial statements for the period 1st July 2017 to 30th April 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: 29 June 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 18 May 2018.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT# 43505 - #44094	3,446,371.81
	Total	\$3,446,371.81
Cheque Payments	CHQ# 24552 - #24591	35,051.77
Direct Debit Payments	DD11705.1 – DD11790.1	153,900.80
Manual Cheques	-	0
	Total	\$188,952.57
	GRAND TOTAL	<u>\$3,635,324.38</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

EFT# 43524

CHQ# 24555, #24582, #24583, #24584, #24585, #24586

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 \$3,635,324.38

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/199

MOVED: Cr Michael Kitchin

SECONDED: Cr Dean Hatwell

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT# 43505 - #44094	3,446,371.81
	Total	\$3,446,371.81
Cheque Payments	CHQ# 24552 - #24591	35,051.77
Direct Debit Payments	DD11705.1 – DD11790.1	153,900.80
Manual Cheques	-	0
	Total	\$188,952.57
	GRAND TOTAL	<u>\$3,635,324.38</u>

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Ms Memory Mandaza, Expenditure Finance Officer

**9.2.8 NEWMAN HOUSE AGREEMENT- NEMMS JV PTY LTD – APPLICATION
FOR OFFICE ACCOMMODATION**

Attachments: [New Tenancy Application 2018.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Proposed Meeting Date: 29 June 2018
Location/Address: Newman House - 15 Iron Ore Parade, Newman
Name of Applicant: NEMMS JV PTY LTD
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into a new agreement between the Shire of East Pilbara and Nyiyaparli Engineering and Mine Maintenance Services (NEMMS) and Iron Mine Services (IMS) for office accommodation at Newman House and to apply the common seal of the Shire of East Pilbara to the new lease agreement.

BACKGROUND

The NEMMS JV Pty Ltd have an existing agreement that is due to expire on 30th June 2018 and have written to the shire requesting to enter into a new lease agreement for one (1) year with a one (1) option.

Newman House facility primary use is for not for profit organisations, but the Access Eligibility and Space Allocation criteria are as follows;

Eligible Tenants

The Shire of East Pilbara commits itself to the principal goal of providing office accommodation to not for profit organisations, and such organisation shall be given preference over all other organisations.

Space allocation shall be made by the Shire of East Pilbara on the basis of first priority to be given to all NFP organisations. Should there be more NFP organisations seeking tenancy than the available spaces, then the SoEP shall have the discretion to select such tenants which it believes would be in the best interests of the people of Newman community, and taking into account the circumstances of the prospective tenant's accommodation issues.

Other organisation shall be offered tenancy agreements of not more than 12 month period. Such agreements can be extended on if there of insufficient NFP organisations proposing to take up tenancy in the building.

COMMENTS/OPTIONS/DISCUSSIONS

Newman House occupancy currently stands at 65%. To date there has been limited interest in leasing office accommodation and many of the current tenants are concerned about their future funding.

New Lease 2018		3.50%			
Periods - invoice annually	Yrly Fee Gst Exc	Yrly Fee Gst Inc	Monthly Fee Gst Exc	Monthly Fee Gst Inc	
1/7/2018-30/6/2019	\$ 10,155.94	\$ 11,171.53	\$ 846.33	\$ 930.96	

Rental Rate \$634.75

Rental Review Option Term – 3.5%

Outgoing utilities 5.57% water and power consumption

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995, PART 9, DIVISION 3, S.9.49A EXECUTION OF DOCUMENTS.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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

- 2.4.2 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
- 2.4.4 Equity and opportunities for all
Partnering With: Federal Government, State Government, Industry, NGO's and Indigenous groups
Responsible officer: MCW
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

If Newman House continues to have limited occupancy the financial burden will increase for Council.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/200

MOVED: Cr Jeton Ahmedi

SECONDED: Cr Anita Grace

THAT Council

1. Approves entering into an agreement with NEMMS JV Pty Ltd for office accommodation at Newman House for a term of 1 year, commencing 1st July 2018 to 30th June 2019. With an Option Term pending availability from the 1st July 2019 to 30th June 2020.
2. Approves affixing the Shire of East Pilbara common seal to the lease agreement between the Shire of East Pilbara and NEMMS JV Pty Ltd.

CARRIED

RECORD OF VOTE: 8 - 0

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services.

**9.2.9 COMMUNITY ASSISTANCE GRANT 3: SEEKING VARIATION TO
APPROVED GRANT TO NEWMAN LIONS CLUB**

Attachments: [Lions Club Grant Letter.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Danielle Airtton
Coordinator Community Wellbeing
Proposed Meeting Date: 29 June 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement to amend the scope of work outlined in the original Community Assistance Grant 3 submitted by the Newman Lions Club for the Stage 2 upgrade to the Animal Park playground which was approved by Council at the March 2018 Council meeting.

BACKGROUND

The Newman Lions Club submitted a Community Assistance Grant 3 application on 31 January 2018. The application was to seek a cash contribution of \$6,000 to complete Stage 2 of the upgrades to the playground at the Animal Park. The purpose of this upgrade was to beautify the park and the playground so that families and children in the community can have a safe and interactive space to enjoy. The works to be completed included re-turfing the playground area as well as the installation of a 6 station reticulation system.

The grant application for the Newman Lions was submitted as an agenda item at the March 2018 Council meeting. The grant was unanimously approved for the full amount requested of \$6,000.

It has been reported by the Newman Lions Club that in recent months the animals housed at the Animal Park have been attacked several times by wild dogs, which have resulted in some 30 animals being killed.

Attached to this agenda item is a letter received from the Newman Lions Club outlining the current situation and formally requesting the funding to be used for fencing for the animal park.

COMMENTS/OPTIONS/DISCUSSIONS

The Manager of Community Safety is aware of the problems faced by the Newman Lions Club and has confirmed that in the last 12 months there have been 8 reported dog attacks relating to the Animal Park. The Manager of Community Safety agrees

that more adequate fencing would be an appropriate solution to mitigate the ongoing risk of dog attacks.

Due to the continuous attacks and loss of such a large number of animals the Newman Lions Club have requested that the funding which they have been approved for is now used to supply and install suitable fencing around the Animal Park to stop further attacks by wild dogs on the animals and to allow a chance to re-populate the Animal Farm.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

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

- 1.1.3 Effective business management**
Responsible officer: DCEO
Timing: 1-3 years

Goal 2 – Social – Planned Actions

- 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

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

- 2.1.3 Encourage high rates of participation in community activities and events**
Partnering With: Industry
Responsible officer: MCW
Timing: 1 year

RISK MANAGEMENT CONSIDERATIONS

Reputational - Low

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/201

MOVED: Cr Dean Hatwell

SECONDED: Cr Jeton Ahmed

THAT Council endorse the change to the scope of work for the Community Assistance Grant 3 funding from the Newman Lions Club from re-turfing and reticulation of the playground area to the supply and installation of perimeter fencing.

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

To be actioned by Mrs Danielle Airton, Coordinator Community Wellbeing.

9.2.10 CONTRACT VARIATION, DELEGATION FEES AND CHARGES RELATING TO THE CONTRACT PROVISION OF THE PILBARA REGIONAL TOWN BUS SERVICE BETWEEN THE PUBLIC TRANSPORT AUTHORITY OF WESTERN AUSTRALIA AND THE SHIRE OF EAST PILBARA

Attachments: [Pilbara Contract Extension Letter Amended 140618 + Schedule 1 amended.pdf](#)
[PTA2017007 Pilbara RTBS Contract FINAL 300817 Signed.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Pip Parsonson
Manager Community Wellbeing

Proposed Meeting Date: 29 June 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the amendment to Schedule 1 – Service Details that forms part of the contract for Provision of the Pilbara Regional Town Bus Service, (commonly referred to as the RPT Service), between the Public Transport Authority of Western Australia and the Shire of East Pilbara.

To seek Council approval for the Chief Executive Officer to be given delegated authority to sign annual renewals of the Contract for the Provision of the Pilbara Regional Town Bus Service between the Public Transport Authority of Western Australia and the Shire of East Pilbara until terminated by either party in accordance with the Contract.

For Council to approve an amendment to the Shire's Fees and Charges applied to passengers using the Pilbara Regional Town Bus Service. An increase in fees is required to comply with the WA Public Transport Authority's policy that requires the fares on subsidised inter-town bus services be increased annually by the percentage movement in the Transperth Zone 9 fares.

BACKGROUND

The Shire has been operating a Regular Public Transport service for a number of years. The service is subsidised by the Public Transport Authority of Western Australia. The service operates between Nullagine, Marble Bar, South Hedland and Port Hedland from Monday to Thursday and between Nullagine and Newman on Fridays.

At the October 2017 Council meeting, Council was advised that the Common Seal had been affixed under delegated authority to the Contract between the Shire of East Pilbara and The Public Transport Authority for the RPT Service for the 2017/18 financial year.

Schedule 1 – Service Details of the Contract (attached), unlike the Schedules in previous year's contracts with the Public Transport Authority, did not include a provision for the Contract to be renewed annually.

On Friday 8 June 2018 the Public Transport Authority wrote to the Shire to advise that the current Contract will expire on 30 June 2018. The correspondence included a letter of offer to extend the Contract. Regrettably, as the current Contract, signed by the previous Chief Executive Officer and endorsed by the Council, does not include provision for annual renewal, the Chief Executive Officer has no delegated authority to sign the Contract extension.

The Public Transport Authority was contacted and notified of the anomaly between the current Contract and previous contracts. As a result of this notification the Authority offered to update the Schedule 1 – Service Details to,

1. Extend the contract to 30 June 2019
2. Include provision for annual renewal
3. Include the new Service Charge (subsidy) for the 2018/19 financial year. For Councillor's information the subsidy has risen from \$116,234 in 17/18 to \$117,303 in 18/19.

The endorsement of the updated document, (attached) will allow for seamless contractual management between the Public Transport Authority of Western Australia and the Shire of East Pilbara between the 2017/18 and 2018/19 financial years.

If Council chooses to endorse the update to Schedule 1, then giving the Chief Executive Officer the delegated authority to sign the annual extension on behalf of the Council will result in administrative efficiencies. These efficiencies will be delivered each year until such a time as either party terminates the agreement, in accordance with the Contract.

Regarding the requirement to amend the Shire's Fees and Charges for the RPT Service, the Public Transport Authority wrote to the Shire on the 8 June 2018 advising,

Effective from 1 July 2018, the Transperth Zone 9 fares increased by 1.59% for standard passengers and this has been applied to the Pilbara fares as indicated in the below table. Can you please review these prices and round to the most practical fare where indicated? I understand that the new fares will not be in effect until approved by the Shire in the coming months.

COMMENTS/OPTIONS/DISCUSSIONS

Based on the existing fares the Public Transport Authority included the following table in the 8 June correspondence with the 'New' column representing the mandatory increased charges based on the Transperth increase of 1.59%. The Authority has asked the Shire to now round off the new charges to meet operational circumstances and to forward those charges once they are formally adopted by Council.

A consultation was held with the RPT bus driver to ensure the rounding of charges suited the operational circumstances of the Service. As a result of that consultation the proposed new Fees and Charges for the RPT Service are itemised in the yellow column below.

Where new charges have not been included in the yellow column and details have been struck through, it is proposed that these items are removed from the Shire's Fees and Charges. This applies to all 'Return' fares as the Public Transport Authority does not recognise return fares. The Newman to Port Hedland fare should also be removed as it is a historical anomaly as the route out of Newman on Friday's terminates in Nullagine and there is no possibility a continuous fare between Newman and Port Hedland.

Pilbara Fare Increase - Transperth Fare Increase Effective 1st July 2018			
Transperth Zone 9 Standard	Previous \$ 12.60	New \$ 12.80	Increase 1.59%
	Current	New	Rounded
Fares	Incl. GST	Incl. GST	Incl. GST
One Way:			
Marble Bar To Nullagine	\$9.50	\$9.65	\$9.70
Marble Bar To Newman	\$38.50	\$39.11	\$39.70
Marble Bar To Port Hedland	\$29.50	\$29.97	\$30.00
Nullagine To Newman	\$29.50	\$29.97	\$30.00
Nullagine To Port Hedland	\$38.50	\$39.11	\$39.70
Newman To Port Hedland	\$68.00	\$69.08	
Return:	-		
Marble Bar To Nullagine	\$17.50	\$17.78	
Marble Bar To Newman	\$58.50	\$59.43	
Nullagine To Newman	\$58.50	\$59.43	
Nullagine To Port Hedland	\$77.00	\$78.22	

Accordingly, it is proposed that the new Fees and Charges for the RPT Service are as detailed in the following table.

	Current	New	Rounded
Fares	Incl. GST	Incl. GST	Incl. GST
One Way:			
Marble Bar To Nullagine	\$9.50	\$9.65	\$9.70
Marble Bar To Newman	\$38.50	\$39.11	\$39.70
Marble Bar To Port Hedland	\$29.50	\$29.97	\$30.00
Nullagine To Newman	\$29.50	\$29.97	\$30.00
Nullagine To Port Hedland	\$38.50	\$39.11	\$39.70

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

Goal 2 – Social – Planned Actions

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

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

2.1.4 Support individual and community health

Partnering With: NGO's, State Government, Industry

Responsible officer: MCW

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Administrative inefficiencies will be the result of not endorsing the amended Schedule 1 – Service Details.

By not endorsing the proposed new Fees and Charges relating to the service, negotiations with the Public Transport Authority would need to commence which could be protracted which in turn may result in service disruption.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION: 201718/202

MOVED: Cr Dean Hatwell

SECONDED: Cr Biddy Schill

THAT Council

- 1. Council endorse the amendment to Schedule 1 – Service Details that forms part of the contract for Provision of the Pilbara Regional Town Bus Service, (commonly referred to as the RPT Service), between the Public Transport Authority of Western Australia and the Shire of East Pilbara.**
- 2. Council give delegated authority to the Chief Executive Officer to sign annual renewals of the Contract for the Provision of the Pilbara Regional Town Bus Service between the Public Transport Authority of Western Australia and the Shire of East Pilbara until terminated by either party in accordance with the Contract.**
- 3. Approve the amendment to the Shire's 2018/2019 Fees and Charges relating to the RPT Bus Service to reflect the WA Public Transport Authority's requirement for annual fee increases.**
- 4. Impose the new fees effective from the 1st September 2018.**
- 5. Provide notice of the adopted fees as advertised, pursuant to Section 6.19 of the Local Government Act 1995.**

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

NOTE:

Council noticed a spelling mistake at point 3. Should be 2018/2019 fees and charges, not 2019/2019. And another spelling mistake at point 5. Should be Local Government Act 1995, not 1985. The mover and seconder were in agreeance therefore, there was no need for an amendment to the substantive motion.

To be actioned by Mr Pip Parsonson, Manager Community Wellbeing.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 AFFIX THE COMMON SEAL TO A SUBLEASE AGREEMENT BETWEEN RAW HIRE AND SIMMCAL (NORTHFLEET)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Salomon Kloppers
Manager Development Airports

Proposed Meeting Date: 29 June 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

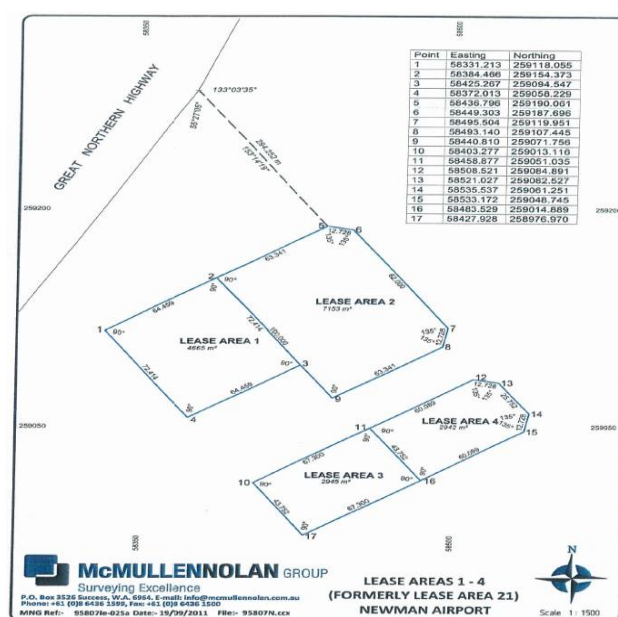
REPORT PURPOSE

Council to rescind Council Resolution 201718/1888, 18th May 2018 at the Ordinary Council Meeting Minutes item, 9.3.4 Affix the common seal to a sublease agreement between Raw Hire and Simmcals, (Northfleet) as the officer's recommendation was incorrect and related to a different sub-lease.

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 SIMMCAL Pty Ltd (Northfleet).

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. Part of that agreement included requirements where RAW Hire will share certain amounts over a minimum return on the premises with the Shire.

COMMENTS/OPTIONS/DISCUSSIONS

RAW Hire has approached the Shire to request the substitution of Pilbara Car and Truck Rental with SIMMCAL who operates as Northfleet. Should Council agree to the Sublease, the Shire will sign a renewed Sublease Agreement on the same terms with RAW Hire (Please see the attached Sublease Agreement between the Shire and RAW Hire in terms of the Pilbara Car and Truck Rental Sublease.

As Newman Airport is operated by the Shire in terms of a management order, State Lands have to approve all tenancy agreements. State Lands will be approached depending on whether Council agrees to the sublease. However no difficulty is anticipated as the use of the premises is limited to the rental and supply of motor vehicles and ancillary equipment and directly associated uses (maintenance and repair of those vehicles).

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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

The proposed sublease is a replacement of one sublessee by another.

VOTING REQUIREMENTS

Three members, including the mover, must indicate their support for the revocation motion in order for it to be considered by Council. The decision to revoke a previous resolution of Council must be made by Absolute Majority.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/203

MOVED: Cr Dean Hatwell, Cr Anita Grace, Cr Lynne Craigie

THAT Council

- 1. Rescind the Officers Recommendation/Council Resolution 201718/188 Item 9.3.4 OCM18052018.**
- 2. Approve the proposed sublease of Lease Areas three and four being on Reserve 44775, Lot 571 DP71045, Drawing 95807-009-C to be sent to the Minister of Lands for approval; and**
- 3. Authorise the Chief Executive Officer to affix the Common Seal to a Sublease Agreement between the Shire of East Pilbara and the current tenant being RAW HIRE Pty Ltd regarding subleasing of Lease Areas three and four at Newman Airport to SIMMCAL Pty Ltd (ACN 113 203 777).**

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

To be actioned by Mr Salomon Kloppers, Manager Development Airports.

9.3.2 COMMENTS ON THE WASTE LEVY DISCUSSION PAPER

Attachments:	WALGA Discussion Paper Levy Policy December 2017 Final pdf
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Edmore Masaka Manager Development Services - Health
Proposed Meeting Date:	29 June 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To provide for consideration by council, comments on the West Australian Local Government Association (WALGA) Waste Levy Policy Statement 2009.

BACKGROUND

WALGA put out a discussion paper focusing on the review of its Waste Levy Policy Statement of 2009. Prepared by the Municipal Waste Advisory Council (MWAC), the discussion paper reviews the WALGA Waste Levy and Strategic Waste Funding Policy Statement with a particular focus on the long held argument by local governments that the levy should only be expended on strategic waste management initiatives as opposed to the current status where only 25% of funds allocated to the Waste Avoidance and Resource Recovery Account. The paper focuses on the following points of discussion;

- Basis for Local Government support of the levy
- Application of the Levy to waste generated in the non-metropolitan area
- Rationale for the Levy
- Differential levies
- Basis for setting Levy rates
- Administration of the Levy
- Funding Scope
- New Section: Regulation of the Levy.

Following an extension of the submission deadline to Friday 29 June, the Shire of East Pilbara has considered the impacts that the proposed changes to the Waste Levy are likely to have on its operation and makes the comments presented below

COMMENTS/OPTIONS/DISCUSSIONS

- The Waste Levy is designed to be an economic instrument to incentivize waste diversion from landfill and fund strategic waste management projects and initiatives. This may work in major capital cities with large populations and large volumes of various waste streams that are based upon and funded by

user pay methodologies, but will not be a sustainable practice for the Shire of East Pilbara (SoEP) to implement.

- The current landfill levy if applied to non- metropolitan landfills would increase significantly the cost of landfill operations in the Pilbara without getting any meaningful effect in waste reduction to landfill as options for cost effective recycle are very limited to non-existent.
- The SoEP's current population and incoming waste streams would not sustain a levy on any of our three existing landfills. All three landfills are currently imbalanced in their waste streams, with construction and demolition (C&D) as well as construction and industrial (C&I) being paid for through gate fees and kerbside domestic waste being funded through rates.
- All other waste from domestic generators including domestic, putrescible, green, steel and other streams is free of any fees, to aid the community, but to also ensure that illegal dumping is kept to a minimum.
- The SoEP cannot sustain the impact of the levy internally and would need to introduce a user pay system on domestic customers as well as an increased gate fee to commercial customers, which may increase illegal dumping. Therefore, the idea that an additional cost in the form of a levy would cause diversion of waste away from Pilbara landfills cannot be supported since the only cost effective means of waste disposal in the Pilbara region including the SoEP is landfilling.
- The SoEP are already struggling to sustain the increased financial impacts of the Chinese legislation and international policy changes with the implementation of the "Blue Sky" campaign that requires less than 0.5% contamination levels for recyclables. These levels are currently unachievable from the historical methods used for collecting comingled recycling as well as consumer habits. The Shire is already facing the impact of additional levies for recycling passed on from major processors through increased tonnage and gate fees as well the need to operate expensive and large Material Recovery Facilities (MRF) and processing facilities that sort and process the recycling waste.
- There are many other negative impacts that regional and rural councils would face, which include lowered percentage access to any community funds for educational or alternative processing projects.
- Over past years there has been a number of strategic studies in the Pilbara and yet there has been no implementation of any proposed outcomes due to Landfills remaining the only cost effective solution in the region for disposal of solid waste.

In view of the above mentioned concerns, the SoEP makes the following specific comments regarding the 8 discussion points on which the paper focuses:

Discussion point	Shire of East Pilbara comment
Basis for Local Government support for the Levy	The SoEP does not support an upward review of the Levy and the use of it to support non-waste management related activities such as State Government core functions
Application of the Levy to waste generated in the non-metropolitan area	The SoEP does not support the application of the Levy in regional and non-metropolitan areas because of its

	potential to increase illegal dumping and propensity to have a financial burden on its ratepayers
Rationale for the Levy	The SoEP maintains that a clear rationale of the Levy must be made and communicated regarding its policy outcomes, modalities for its calculations and where it will be spent.
Differential Levies	The SoEP does not support the application of differential levies because of the dynamics of its current population and incoming waste streams which would not sustain a levy on any of its three existing landfills. The existing imbalances in its waste streams present a significant challenge to the effectiveness of this approach
Basis for setting Levy rates	The SoEP feels that the capacity to pay the Levy should be strongly considered
Administration of the Levy	The SoEP supports the point that the funds raised from the levy should be administered by an independent statutory body
Funding scope	The SoEP supports the current Policy on funding policy
New Policy position: Regulation of the Levy	The SoEP supports the policy position that the Levy must be supported by a comprehensive regulatory regime for both licenced premises and other sites undertaking waste management activities

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 1 - General) 3.1. General function (pg 39)

POLICY IMPLICATIONS

4.11 LEGISLATIVE COMPLIANCE

STRATEGIC COMMUNITY PLAN

Goal 4 – Environmental – Planned Actions

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

4.1 Reduce the Shire's ecological footprint

- 4.1.2 Promote recycling
Partnering With: State Government, Industry, Community
Responsible officer: DTDS
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Failure to comply with environmental legislation could result in a legislative non-compliance risk as well as reputational damage and increased costs of environmental remediation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/204

MOVED: Cr Michael Kitchin

SECONDED: Cr Dean Hatwell

THAT Council:

Authorise the Director Technical and Development Services to make the following submissions to the West Australian Local Government Association:

1. Basis for Local Government support of the levy:

The Shire of East Pilbara does not support an upward review of the Levy and the use of it to support non-waste management related activities such as State Government core functions

2. Application of the Levy to waste generated in the non-metropolitan area:

The Shire of East Pilbara does not support the application of the Levy in regional and non-metropolitan areas because of its potential to increase illegal dumping and propensity to have a financial burden on its ratepayers

3. Rationale for the Levy:

The Shire of East Pilbara maintains that a clear rationale of the Levy must be made and communicated regarding its policy outcomes, modalities for its calculations and where it will be spent.

4. Differential levies:

The Shire of East Pilbara does not support the application of differential levies because of the dynamics of its current population and incoming waste streams which would not sustain a levy on any of its three existing landfills. The existing imbalances in its waste streams present a significant challenge to the effectiveness of this approach

5. Basis for setting Levy rates:

The Shire of East Pilbara feels that the capacity to pay the Levy should be strongly considered

6. Administration of the Levy:

The Shire of East Pilbara supports the point that the funds raised from the levy should be administered by an independent statutory body

7. Funding Scope:

The Shire of East Pilbara supports the current Policy on funding policy

8. New Policy position: Regulation of the Levy:

The Shire of East Pilbara supports the policy position that the Levy must be supported by a comprehensive regulatory regime for both licenced premises and other sites undertaking waste management activities

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mr Edmore Masaka, Manager Development Services - Health

9.3.3 AFFIXING THE COMMON SEAL TO AN AGREEMENT WITH S&K INVESTMENTS PTY LTD REGARDING THE LICENCE TO ADVERTISE AT NEWMAN AIRPORT

Attachments:	Confidential Attachment WAB.pdf Billboard Agreement Clean Copy 16 04 2018 docx
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Salomon Kloppers Manager Development Airports
Proposed Meeting Date:	29 June 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara (the Shire) to a License Agreement between the Shire and S&K Investments Pty Ltd (CAN 009 388 112) trading as WA Billboards.

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.

Effective 4 July 2011 the Shire entered into a License Agreement with WA Billboards. The Agreement in short provided WA Billboards with a License to erect advertising signs at Newman Airport. The agreement was struck as WA Billboards have the administration back-up and commercial experience to source advertisements, negotiate rates and produce the advertisement skins. In turn, the Shire receives a stable income regardless of the individual rates and variability of the demand for advertisement at the Airport.

The above agreement will expire on 1 July 2018.

COMMENTS/OPTIONS/DISCUSSIONS

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.

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.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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

Should Council agree to the terms, the Shire will receive a continued revenue stream from making available advertising space at Newman Airport.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/205

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchen

THAT Council

- 1. Approve the proposed License to be sent to the Minister of Lands for approval; and**
- 2. Authorise the Chief Executive Officer to affix the Common Seal to a License Agreement between the Shire of East Pilbara and S&K Investments (ACN 009 388 112) regarding the use of advertising space at Newman Airport.**

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mr Salomon Kloppers, Manager Development Airports

12:30PM Council meeting adjourned for Lunch

1:05PM Council meeting resumed

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1.1 DESERT ROAD TRAIL

Member:	Cr Lang Coppin Councillor
Author:	Mrs Kylie Bergmann Coordinator Governance
Proposed Meeting Date:	29 June 2018
Location/Address:	Desert Road Trail
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider funding \$750,000 for the completion of the Desert Road Trail.

BACKGROUND

On 28 July 2017, Council resolved to endorse the Desert Road Trail Masterplan (**Masterplan**) as a strategic working document.

The Masterplan was prepared by Transplan Pty Ltd and Kulbardi Hill Consulting in June 2017 and is a proposed 4WD trail between Marble Bar and the WA/NT border, utilising a series of existing roads. The purpose of the Masterplan is to recommend interpretive sites that could be developed along the route, including trail signage.

The brief included a summary of major development costs, as outlined below:

1	Site works (Gravelling/grading; installation of signage, sculptures etc) (NOTE: desktop estimates only – on site inspection required to confirm costings)*	\$733,100 + GST**
2	Other works (Installation of road signage etc)	\$36,500 + GST
3	Supply of directional (and other road) signage	\$128,350 + GST
4	Interpretation	\$296,200 + GST
5	An allowance for preparation of a Marketing Plan	\$12,500 + GST
6	An allowance for implementing the Marketing Plan	\$45,000 + GST
7	Project management and contingency (10%)***	\$125,165+GST
	TOTAL	\$1,376,815 + GST

* Site works cost estimates provided by Shire of East Pilbara.

** Cost savings could be made if works occurred at same time as other roadworks. Scope and extent of works to be reviewed at time of detailed design.

*** Cost estimates do not include any potential costs associated with dealing with Native Title issues or accessing Indigenous Protected Areas (eg. Surveys/monitoring flora and fauna, anthropologists, meetings etc).

Since adoption of the Masterplan, I am not aware of any allocated funding towards this project. I consider this should be a priority for Council consideration in the 2018/19 budget.

COMMENTS/OPTIONS/DISCUSSIONS

Council can accept the proposal as is, choose an alternative figure to be set for funding in the 2018/19 budget or decline the proposal at this stage.

In the 2017/18 budget Council allocated \$300,000 as seed funding with \$200,000 from municipal and reserve and an expected \$100,000 from grants. No grants or external funding was provided and therefore no funds were spent as land access for the approved sites needs to be gained.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

10.5 NEW DEVELOPMENT ROAD RESERVES

10.11 ROAD VERGE DIRECTIONAL SIGNS

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.

3.4 Land use and development control

- 3.4.2 Plan well for the future development of the Shire
 - Partnering With: State Government, Industry
 - Responsible officer: CEO
 - Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Council resolved to endorse the Masterplan in July 2017. If funding is not allocated to this project, there is a risk that Council is not fulfilling the projects that it has set out to achieve.

FINANCIAL IMPLICATIONS

There are no current financial resources allocated as part of the 2018/19 budget process.

VOTING REQUIREMENTS

Absolute.

MEMBER'S RECOMMENDATION

MOVED: Cr Lang Coppin

SECONDED: Cr Jeton Ahmed

THAT Council allocate \$750,000 for the completion of the Desert Road Trail, in the 2018/19 budget.

AMENDMENT

MOVED: Cr Anita Grace

SECONDED: Cr Dean Hatwell

THAT Council allocate \$200,000 towards the design, approval and project scope for completion of the Desert Road Trail, in the 2018/19 budget.

CARRIED
8-0

REASON FOR AMENDMENT

Council were not prepared to allocate \$750,000 towards the project that had not been fully scoped yet. However, Council was of the view that the project did need to progress. Therefore, \$200,000 was allocated towards the design, approval and project scope.

The Amendment formed part of the substantive motion, which was then put.

COUNCIL RESOLUTION: 201718/206

MOVED: Cr Lang Coppin

SECONDED: Cr Jeton Ahmed

THAT Council allocate \$200,000 towards the design, approval and project scope for completion of the Desert Road Trail, in the 2018/19 budget.

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

To be actioned by Mr Jeremy Edwards, Chief Executive Officer.

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

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

MOVED: Cr Jeton Ahmed

SECONDED: Cr Dean Hatwell

THAT the meeting go behind closed doors.

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

1:26PM The meeting was closed to the Public.

12.1 CHIEF EXECUTIVE OFFICER

12.1.1 CEO PERFORMANCE REVIEW - QUALIFYING PERIOD - PERFORMANCE CRITERIA FOR 2018/19 AND 2019/20 AND SELECTION OF REVIEWER TO CONDUCT PERFORMANCE REVIEWS

Responsible Officer: Cr Lynne Craigie
Shire President

Author: Cr Lynne Craigie
Shire President

Proposed Meeting Date: 29 June 2018

1:26PM Ms Sian Appleton and Mr Rick Miller left the Chambers

An Interest was declared by Mr Jeremy Edwards for Item No. 12.1.1

Nature of Interest: Financial

Extent of Interest: Mr Jeremy Edwards is the Chief Executive Officer

1:47PM Mr Jeremy Edwards and Mrs Kylie Bergmann left the Chambers

REASON FOR CONFIDENTIALITY

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public for business relating to the following:

(b) the personal affairs of any person.

COUNCIL RESOLUTION: 201718/207

MOVED: Cr Michael Kitchin

SECONDED: Cr Jeton Ahmed

THAT Council:

1. Advise the Chief Executive Officer that the performance during the qualifying period has met Council's requirements and the appointment will be confirmed;
2. Note the Performance Criteria as detailed within this Report as the criteria for the Chief Executive Officer to report against for annual performance reviews for 2019 and 2020;
3. Agree that the performance reviews for the Chief Executive Officer for 2019 and 2020 will be conducted by the full Council and if required an external desktop review and Councillor survey will be conducted; and
4. Undertake a review of the Chief Executive Officer's KPI's two months prior to the annual performance review, with the assistance of an external consultant if required.

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 8 - 0

To be actioned by Shire President, Cr Lynne Craigie

12.2 DEPUTY CHIEF EXECUTIVE OFFICER

12.2.1 DOUBTFUL DEBT PROVISION

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Noelene Holmes
Coordinator Financial Services

Proposed Meeting Date: 29 June 2018

1:56PM *Mr Jeremy Edwards, Ms Sian Appleton, Mr Rick Miller and Mrs Kylie Bergmann returned to the Chambers*

REASON FOR CONFIDENTIALITY

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

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/208

MOVED: Cr Jeton Ahmedi

SECONDED: Cr Michael Kitchin

THAT a provision be made in Rates Bad/Doubtful Debts for the amount of \$80,982.41 A4800008.

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

To be actioned by Mrs Noelene Holmes, Coordinator Financial Services

12.2.2 TENDER 12-2017/18 PROVISION OF AIR-CONDITIONING WORKS

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Ben Lewis
Manager Assets and Procurement

Proposed Meeting Date: 29 June 2018

REASON FOR CONFIDENTIALITY

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

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/209

MOVED: Cr Michael Kitchen

SECONDED: Cr Anita Grace

THAT Council

1. Award tender 12-2017/18 to Customer First Contracting PTY LTD for the provision of Air-conditioning Works.
2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract between the Shire and Customer First Contracting PTY LTD with respect of this tender.

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

To be actioned by Mr Ben Lewis, Manager Assets and Procurement

12.2.3 TENDER 13-2017/18 PROVISION OF TEST AND TAG SERVICES

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Ben Lewis
Manager Assets and Procurement

Proposed Meeting Date: 29 June 2018

REASON FOR CONFIDENTIALITY

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

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/210

MOVED: Cr Lang Coppin

SECONDED: Cr Michael Kitchin

THAT Council

1. Award tender 13-2017/18 to Brunswick Electrical Services for the provision of Test and Tag Services.
2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract between the Shire and Brunswick Electrical Services with respect of this tender.

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

To be actioned by Mr Ben Lewis, Manager Assets and Procurement

12.2.4 TENDER 14-2017/18 INFORMATION TECHNOLOGY MANAGED SERVICES

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Ben Lewis
Manager Assets and Procurement

Proposed Meeting Date: 29 June 2018

REASON FOR CONFIDENTIALITY

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

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/211

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

THAT Council

1. Award tender 14-2017/18 to Techbrain Pty Ltd for the provision of managed IT services.
2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract between the Shire and Techbrain Pty Ltd with respect of this tender.

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

To be actioned by Mr Ben Lewis, Manager Assets and Procurement

12.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**12.3.1 TENDER 11-2017/18 – WATER TREATMENT (REVERSE OSMOSIS)
PLANT – NEWMAN AIRPORT**

Responsible Officer: Mr Jeremy Edwards
Chief Executive Officer

Author: Mr Rick Miller
Director Technical and Development Services

Proposed Meeting Date: 29 June 2018

Item withdrawn by the Administration.

13 DATE OF NEXT MEETING

27 July 2018, Newman

14 CLOSURE

2:15PM.