



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS.....	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11).....	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community**
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

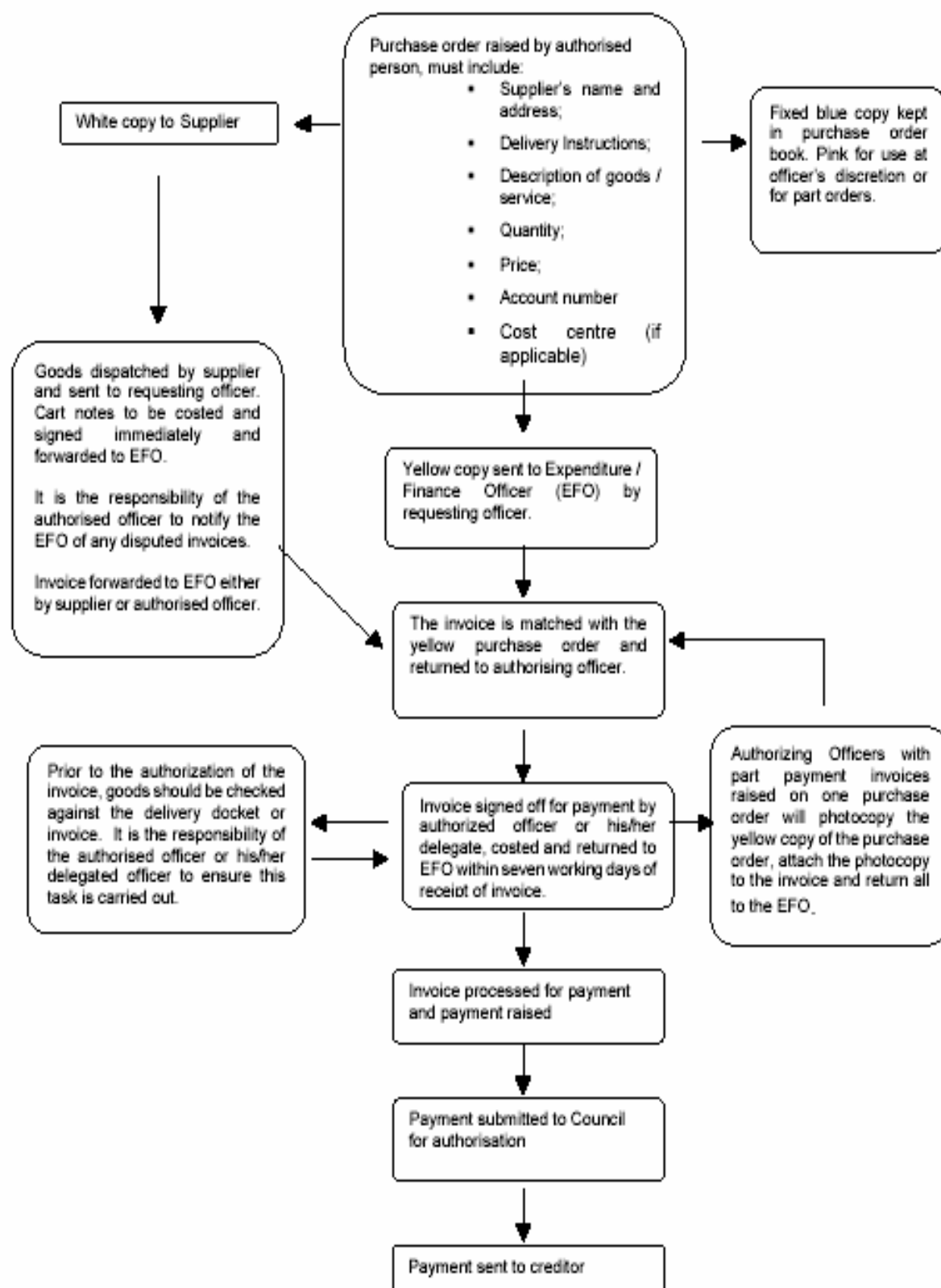
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au .
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

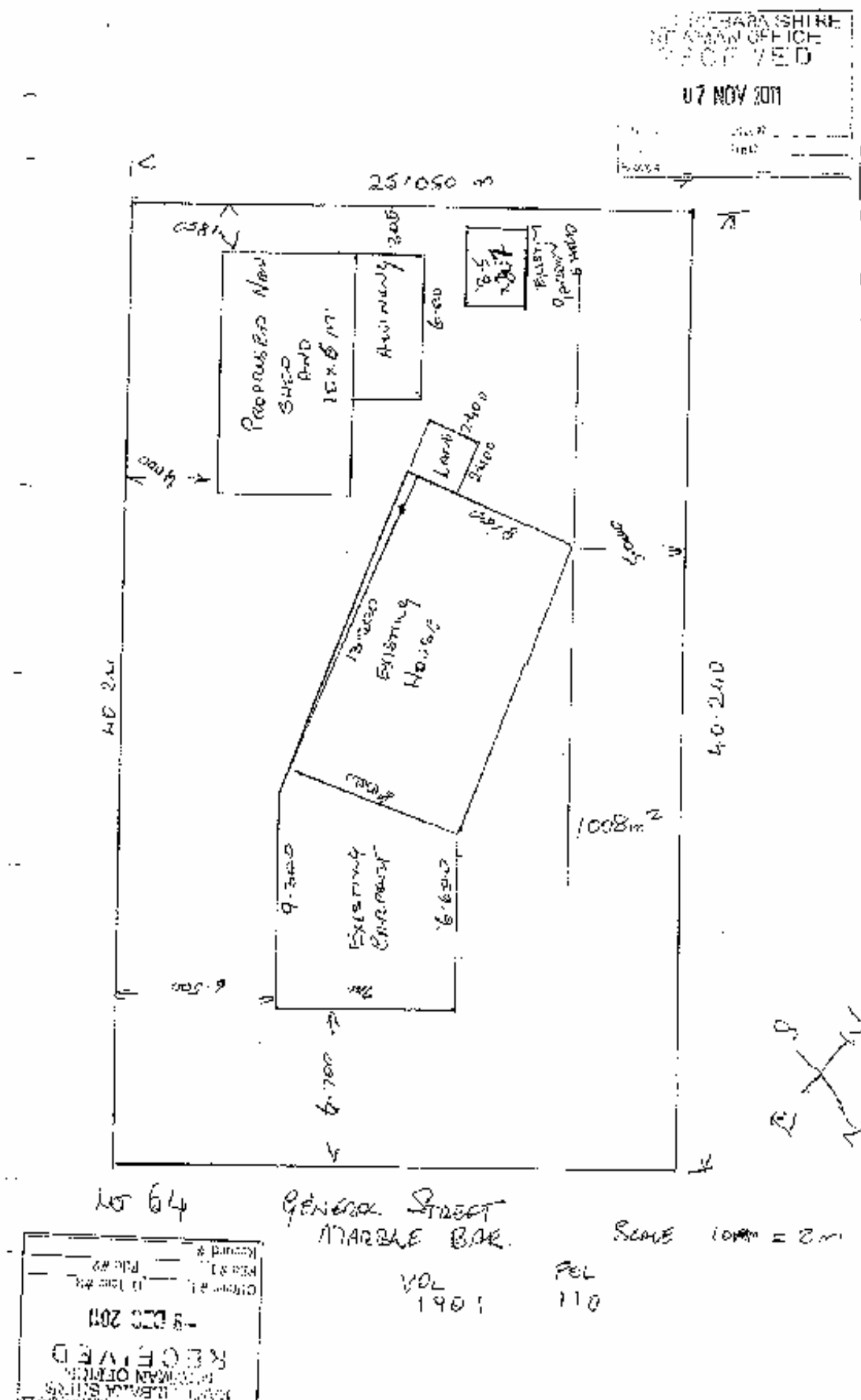
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:

"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.			
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. Technical Services to follow up.	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Executive Services to follow up.	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch whining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

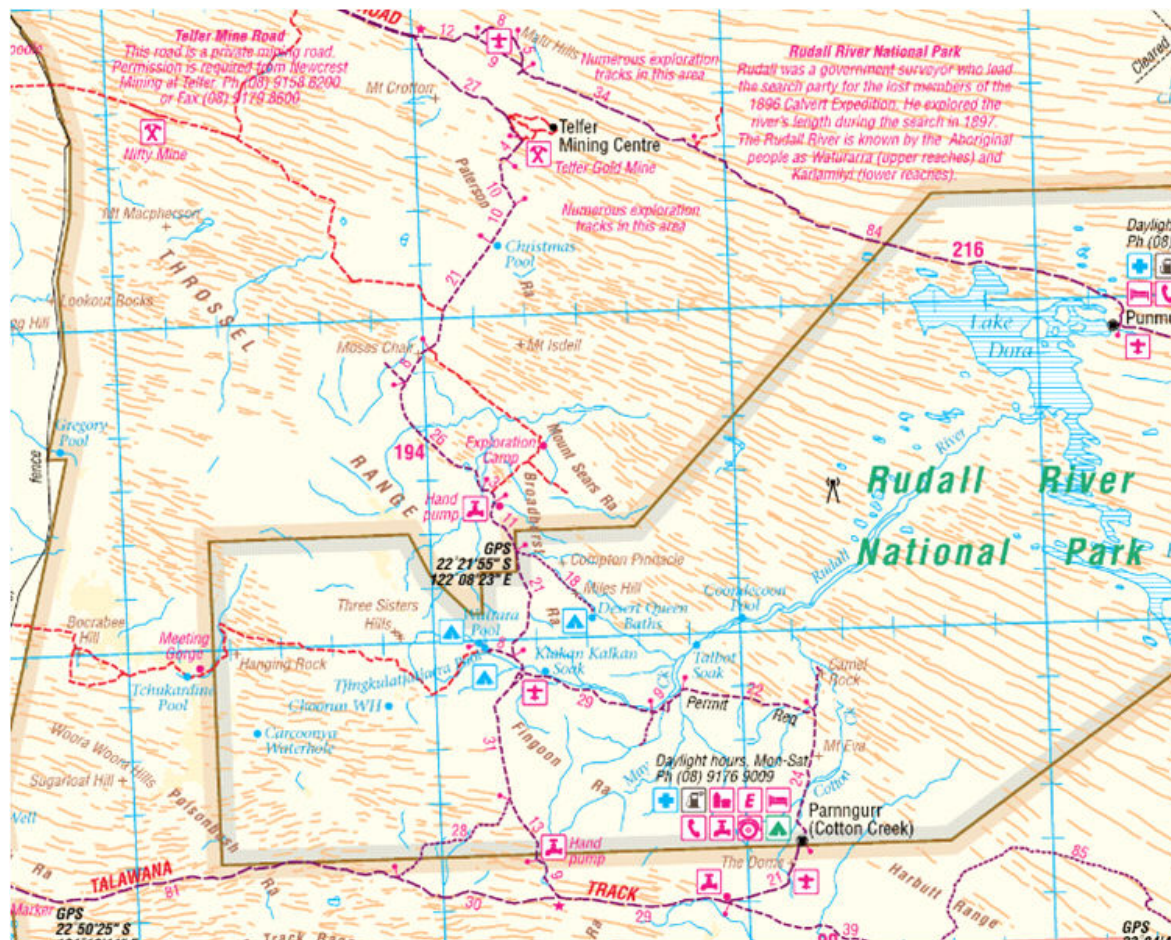
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

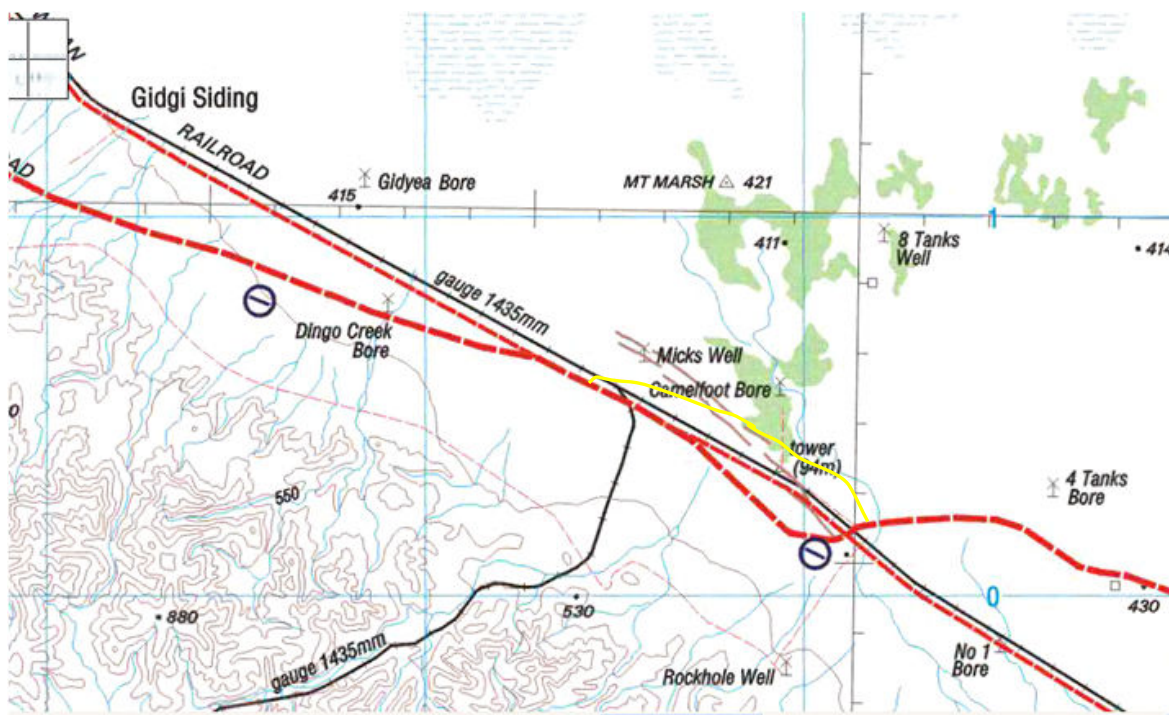
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

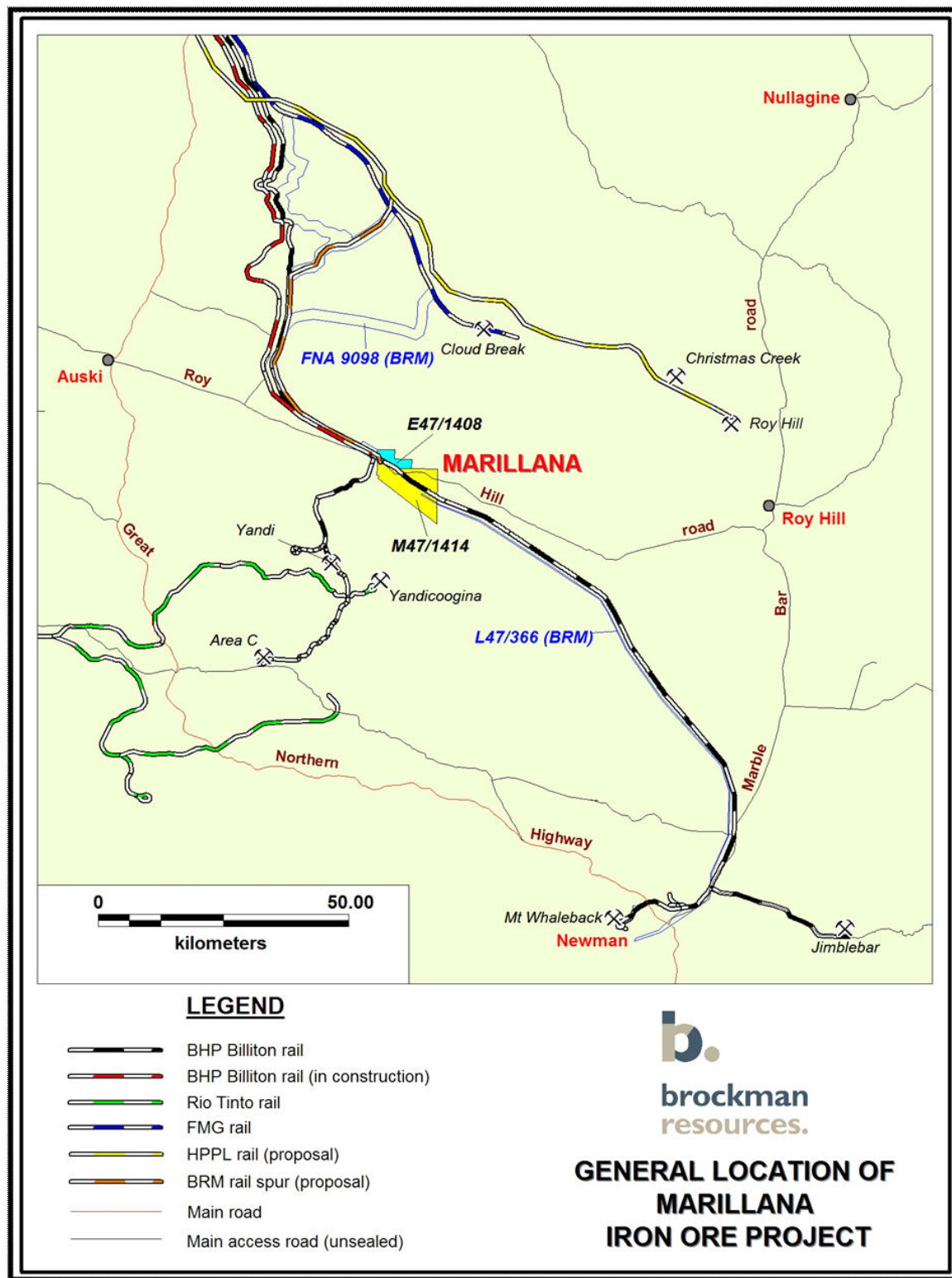
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



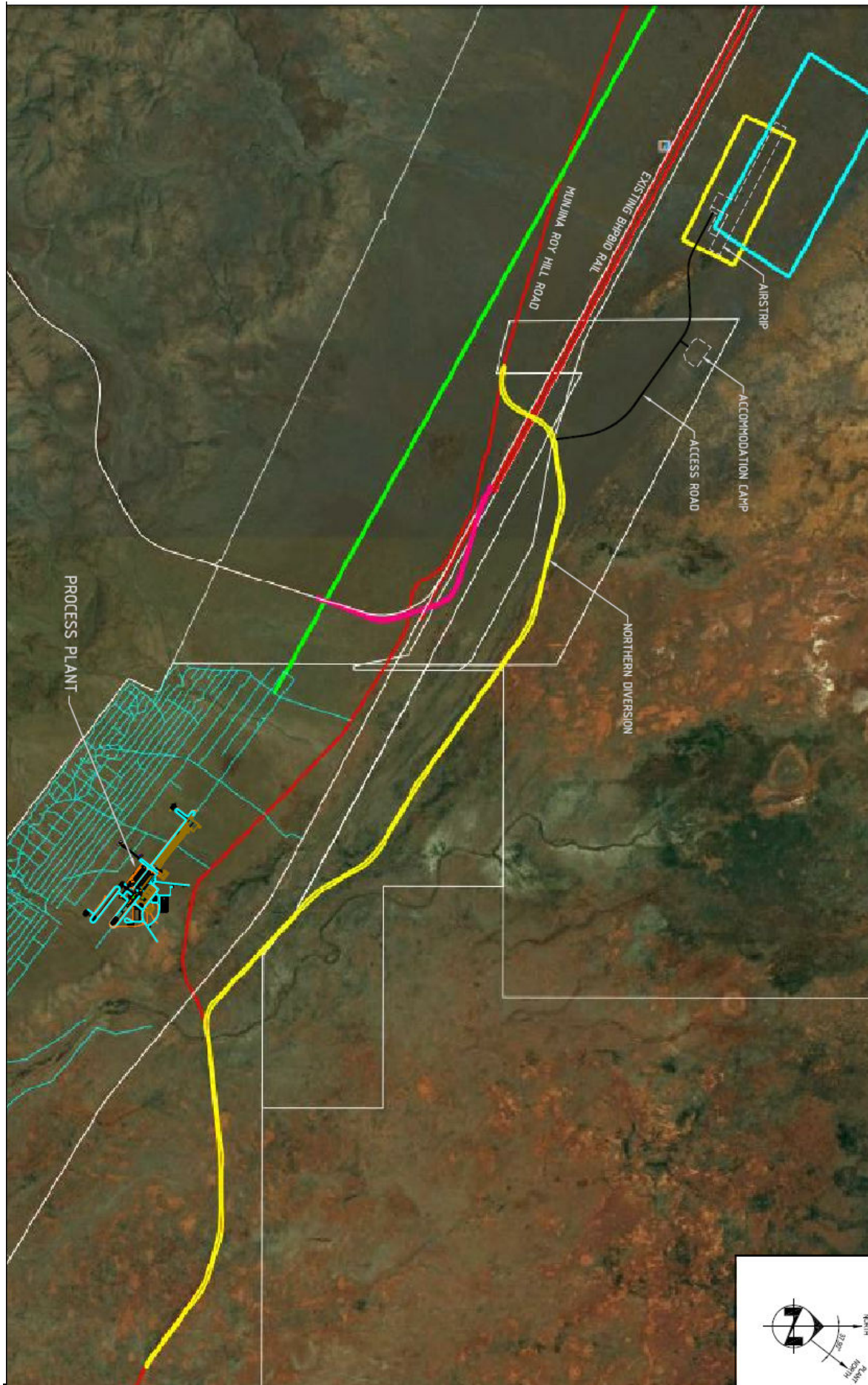
Approximate proposed new alignment shown in yellow.

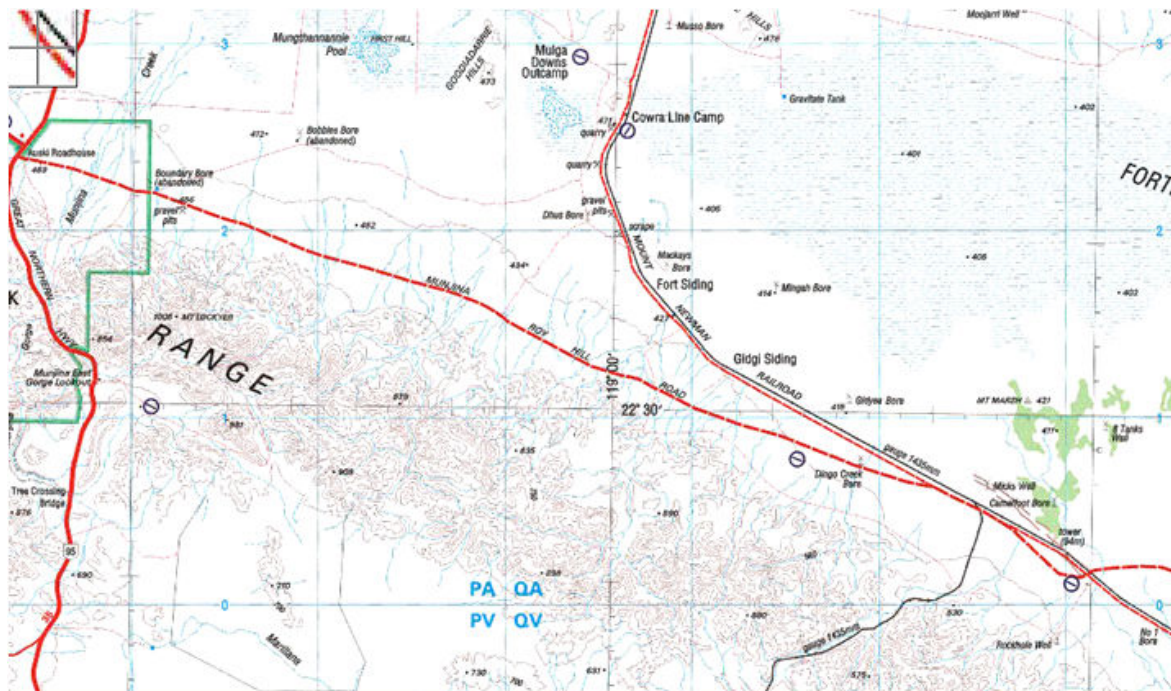
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS.....	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11).....	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3** Establish a range of Partnerships that add value to our services and supports the needs of the community
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No:	Item 9.1.6
Date:	27 th June 2003
	5 th May 2006
9.3.5	27 th April 2007
9.4.1	24 th July 2009
9.1.6	29 th January 2010
	11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

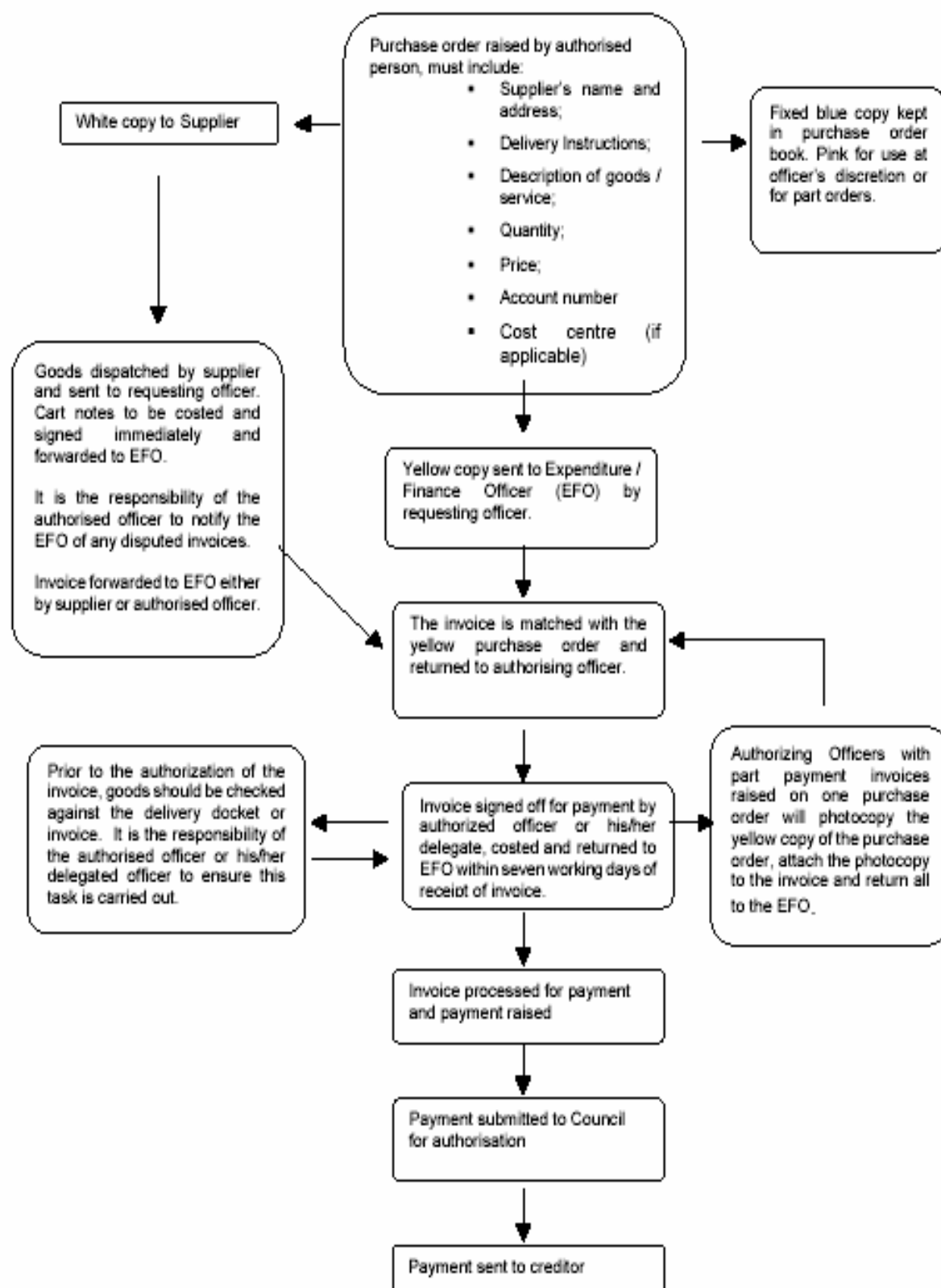
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

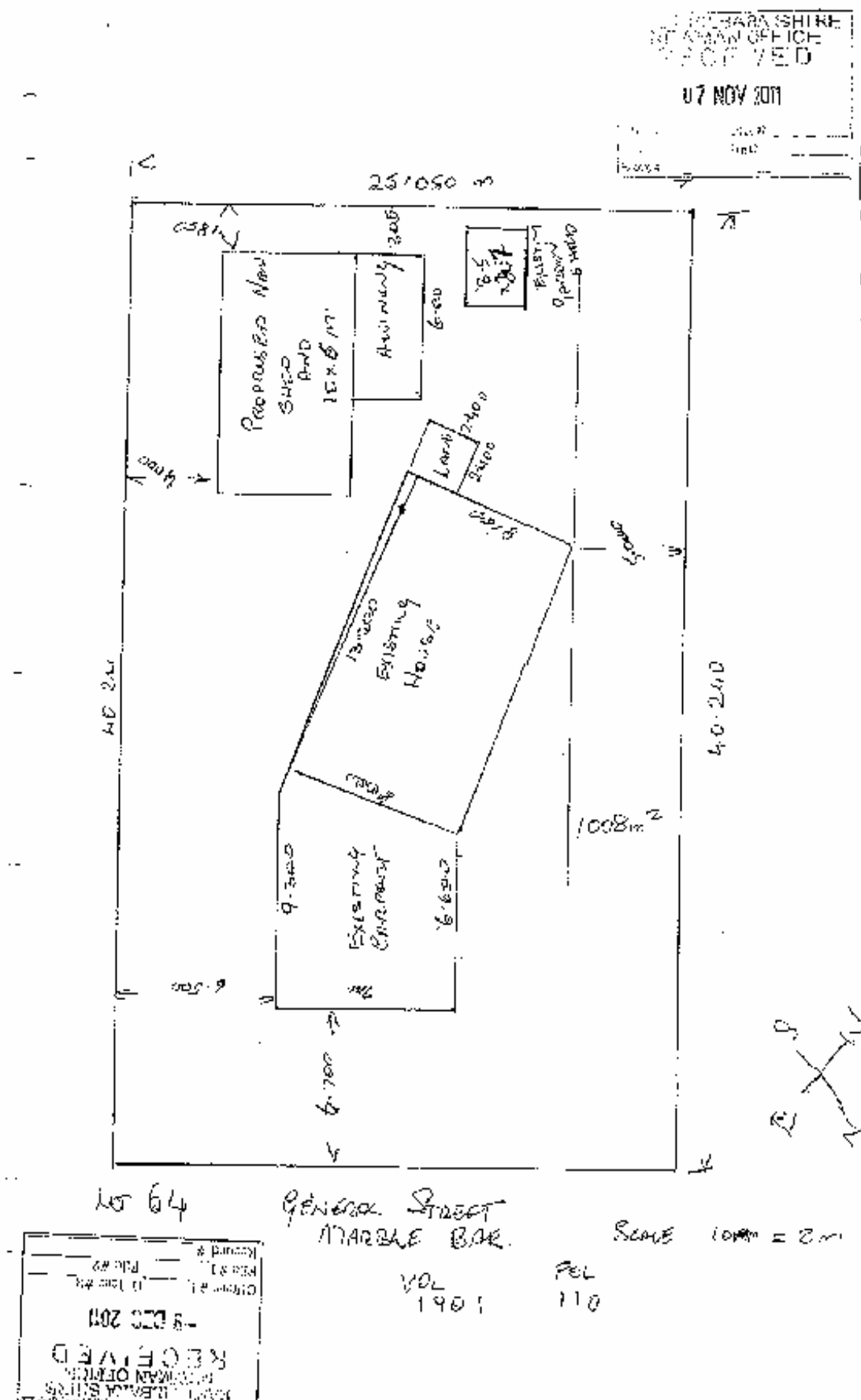
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:

"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.			
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. Technical Services to follow up.	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Executive Services to follow up.	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch whining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

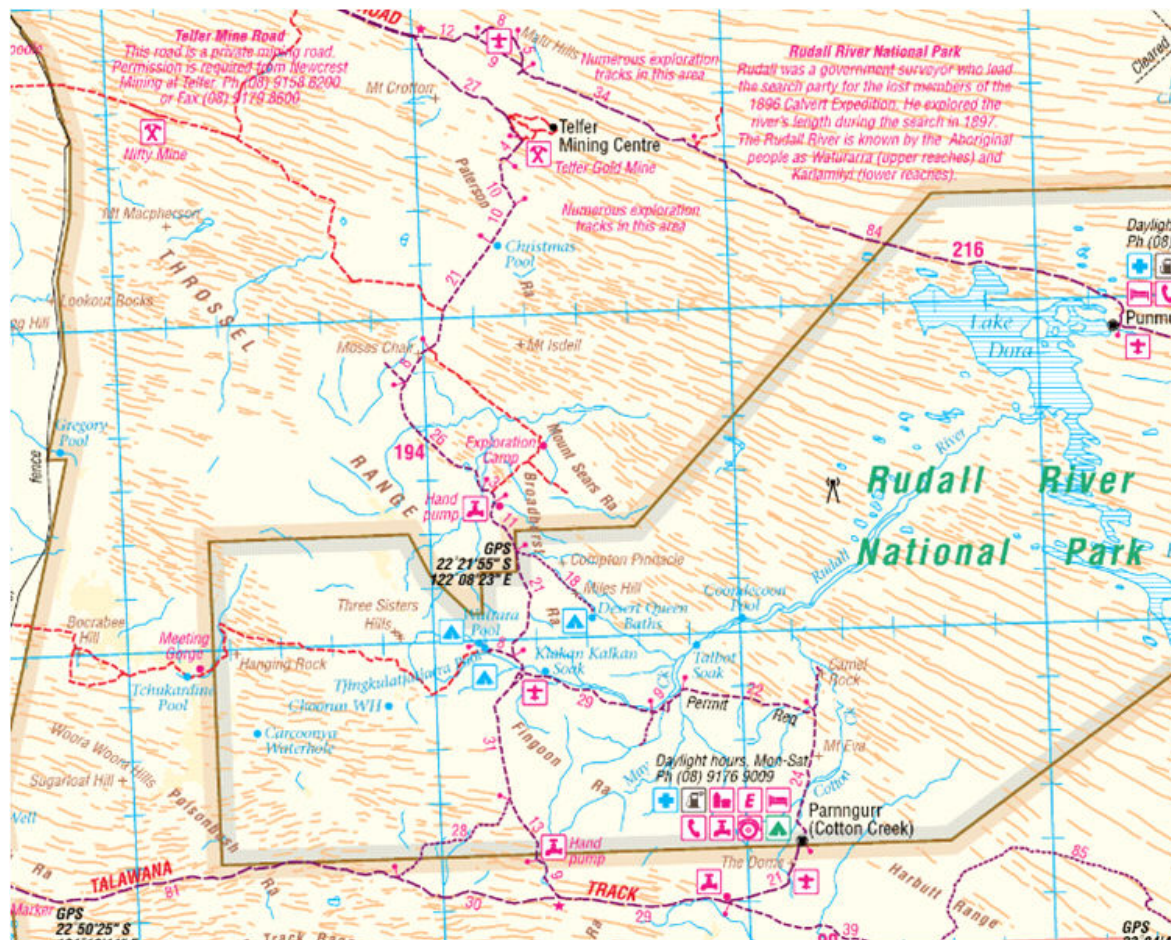
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

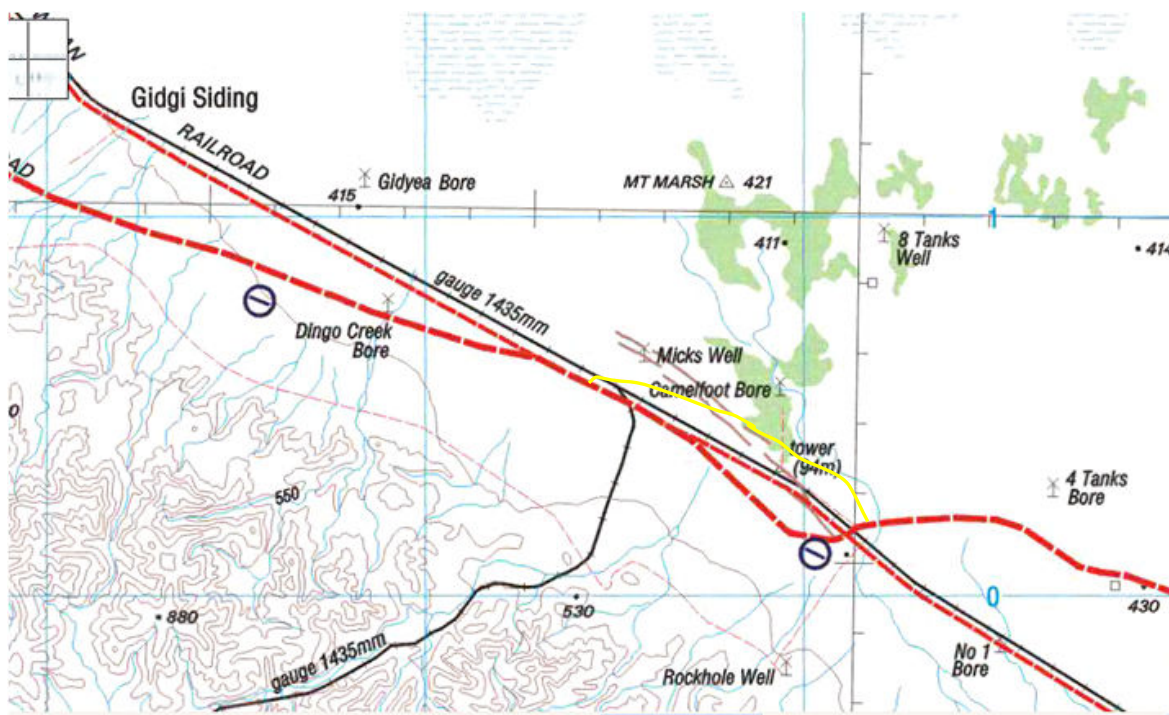
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

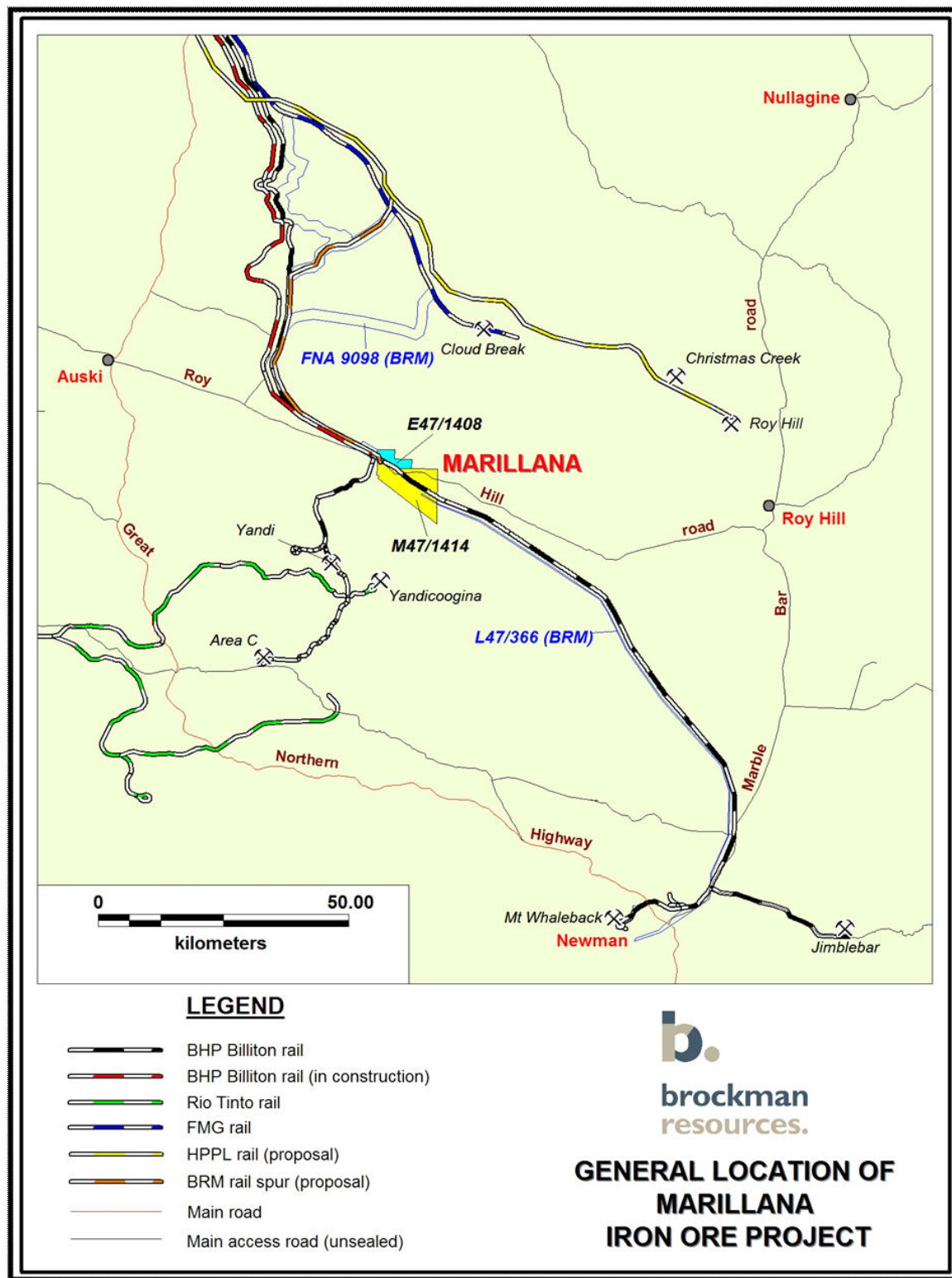
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



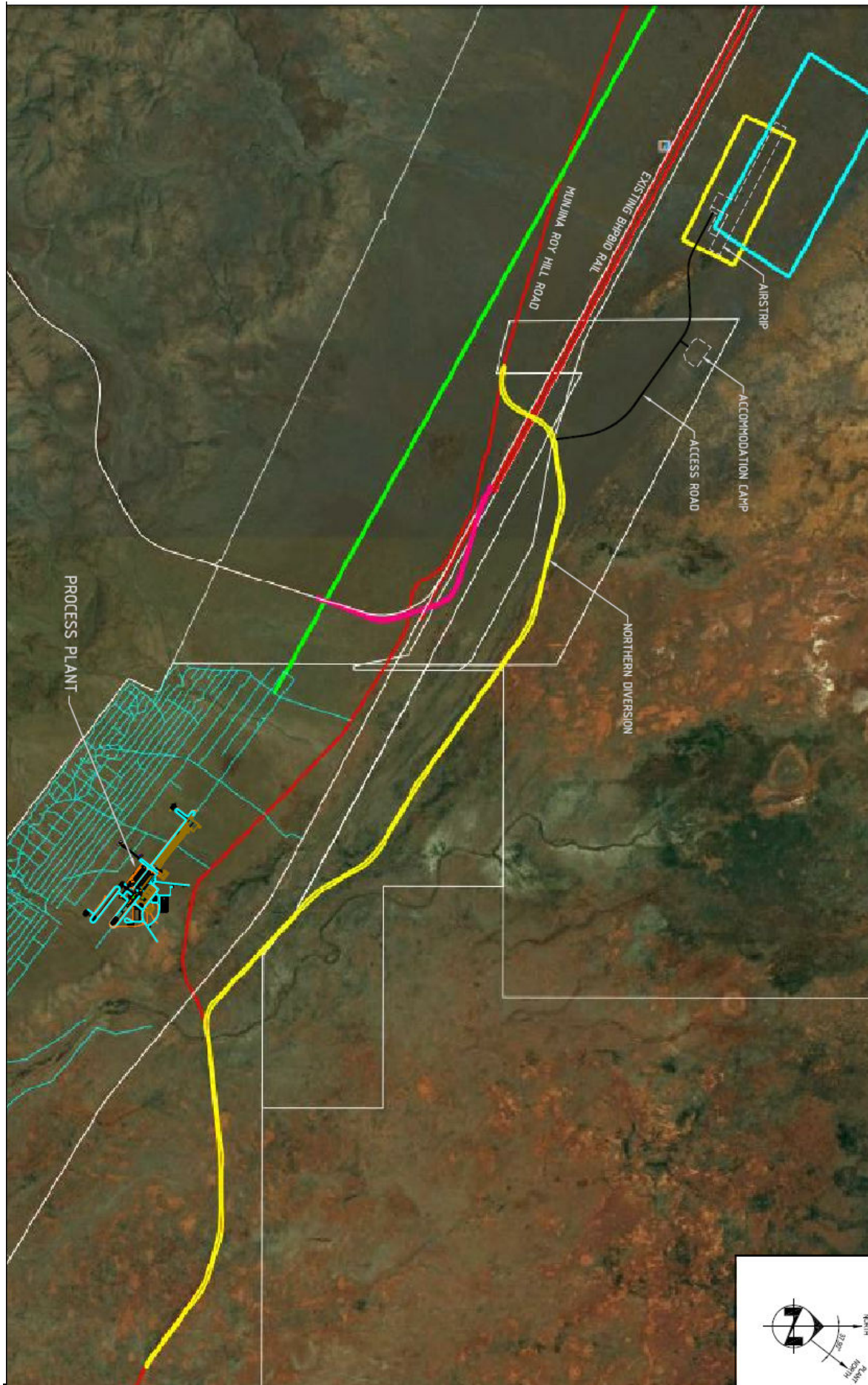
Approximate proposed new alignment shown in yellow.

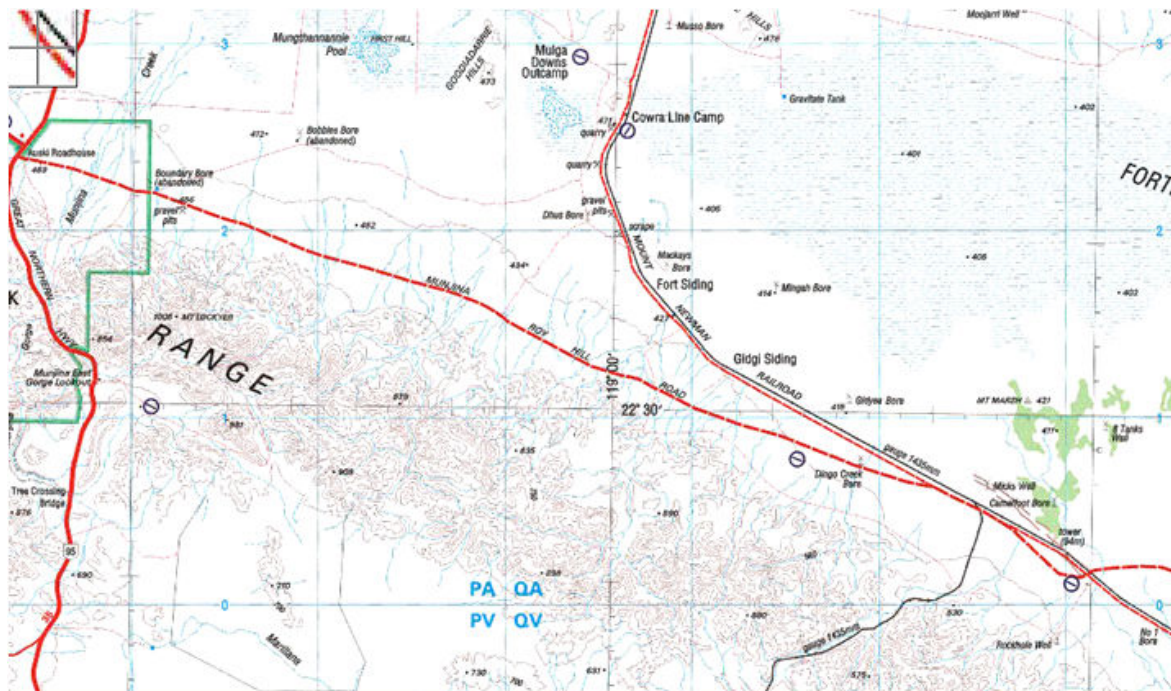
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3** Establish a range of Partnerships that add value to our services and supports the needs of the community
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

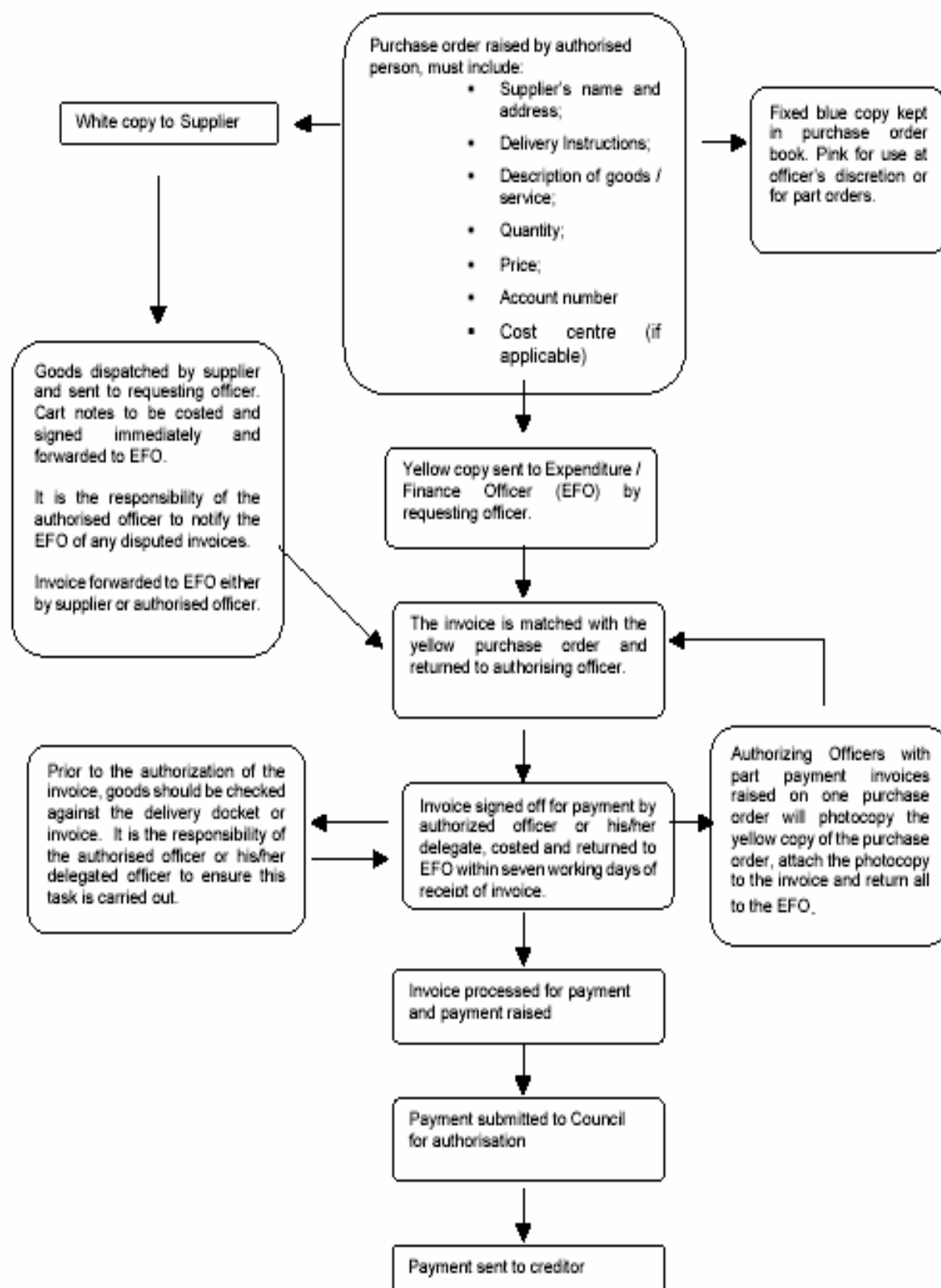
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au .
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

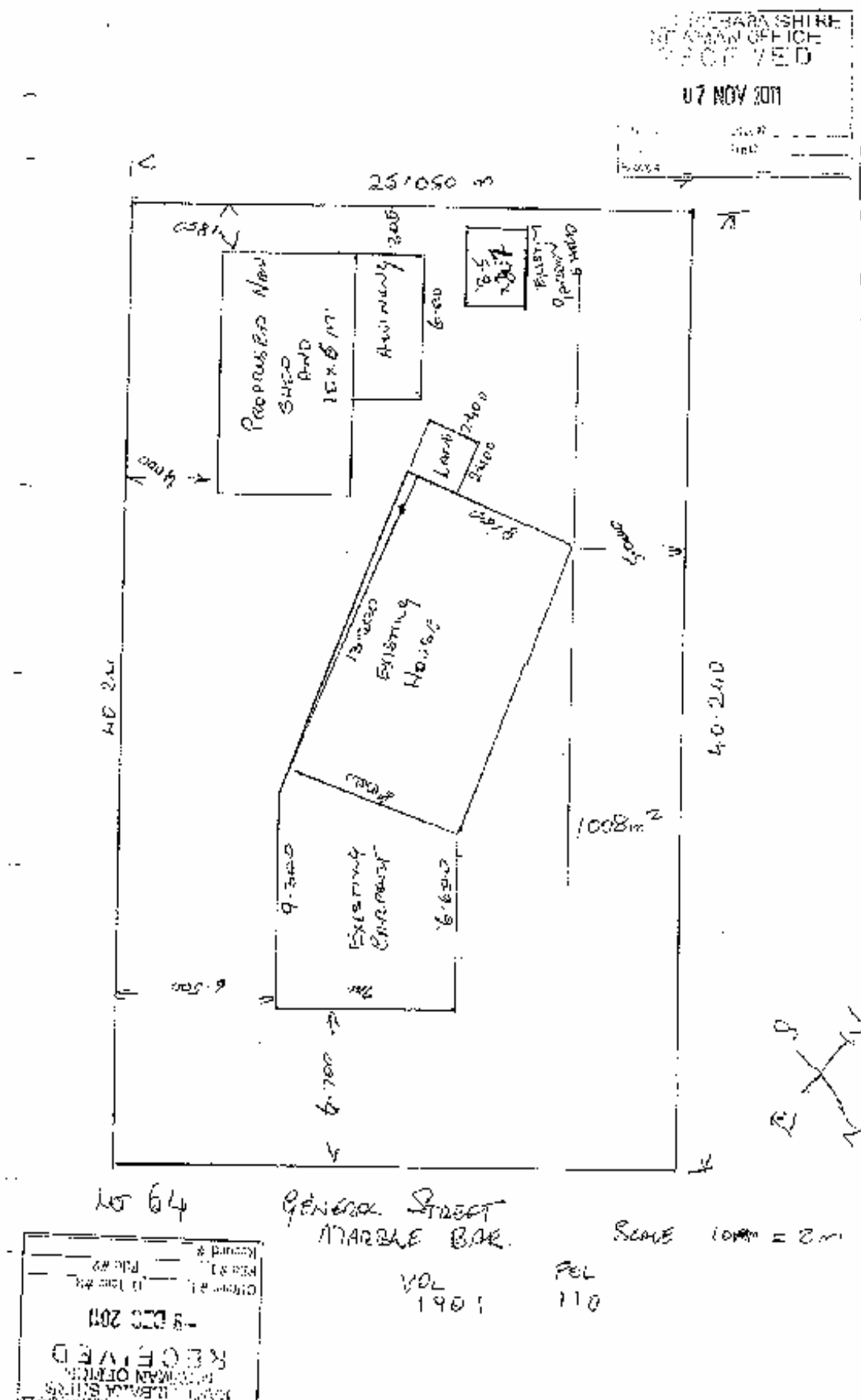
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
(a) the ordinary council meetings; and
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
(g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
---	---------------------

Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles.</p> <p>Technical Services to follow up.</p>			
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>CAPE KERAUDREN</p> <p>Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit.</p> <p>Executive Services to follow up.</p>	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch wining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

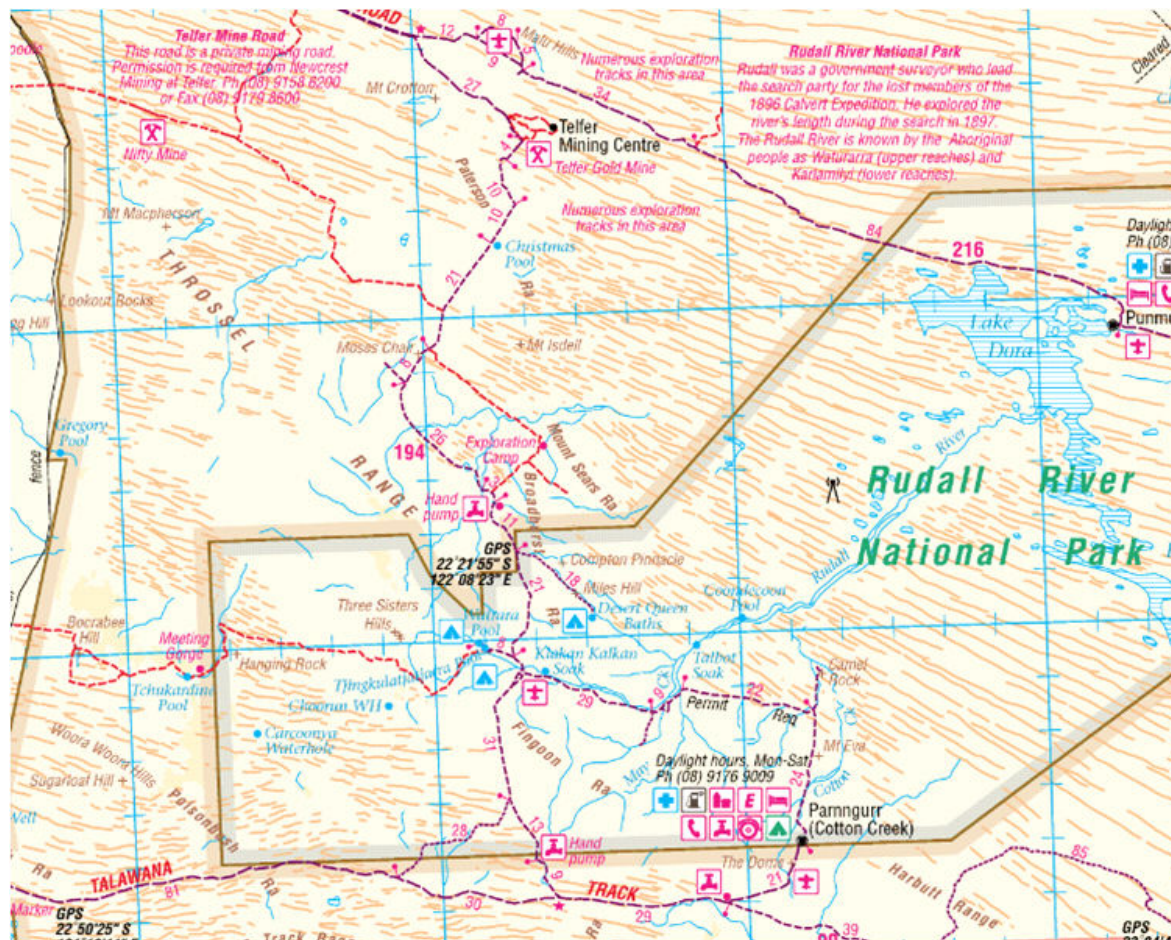
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The first 70km from the Talawana Track is not maintained on a regular basis. The Department of Environment and Conservation (DEC) have advised that funding is not available for regular maintenance and as such the current condition of this section is very poor. The track is approximately a single lane 3-4m wide sandy track with heavy corrugation which changes to undulating country with a rockier base. This section also crosses a major river (Rudall River) as well as several minor low lying flood prone areas.

The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamitji National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

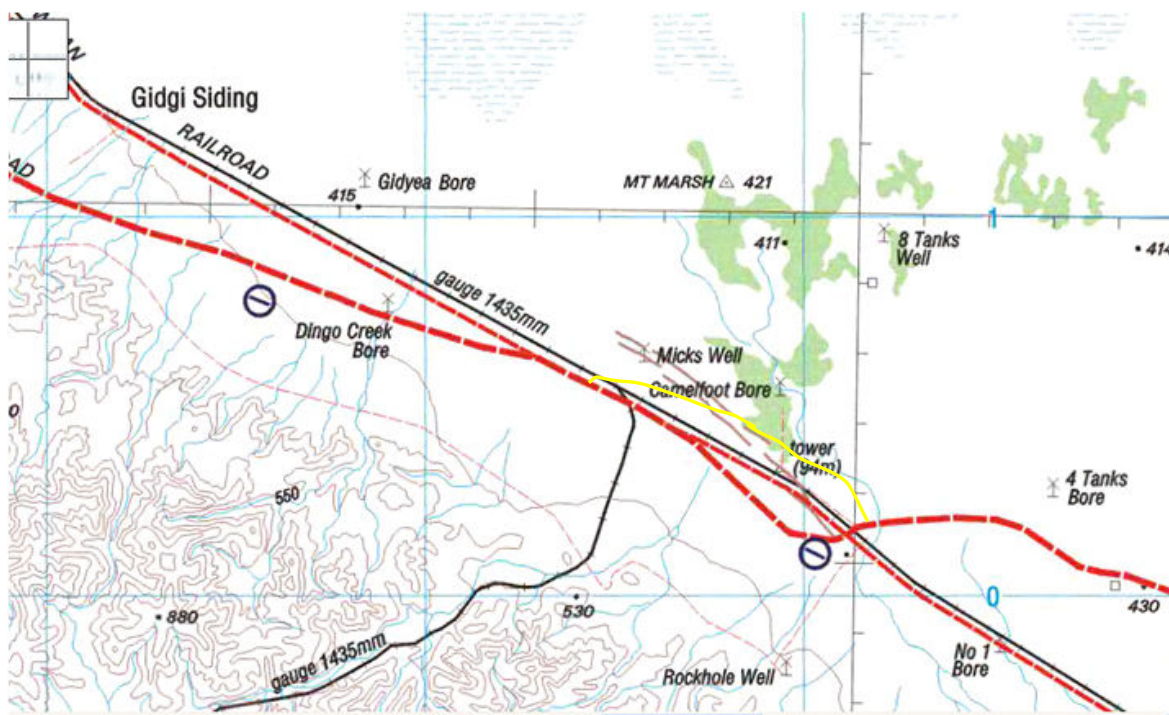
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

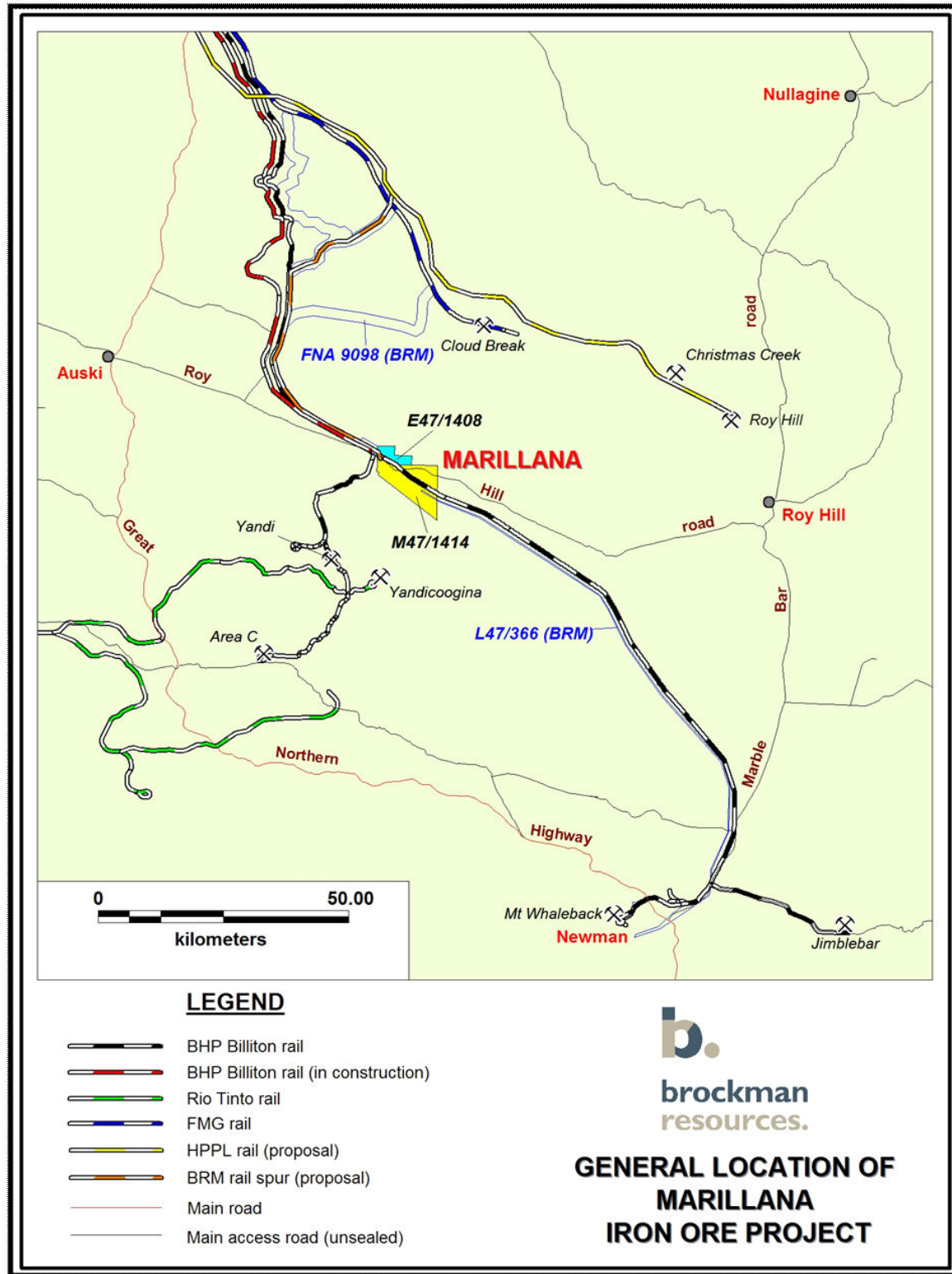
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



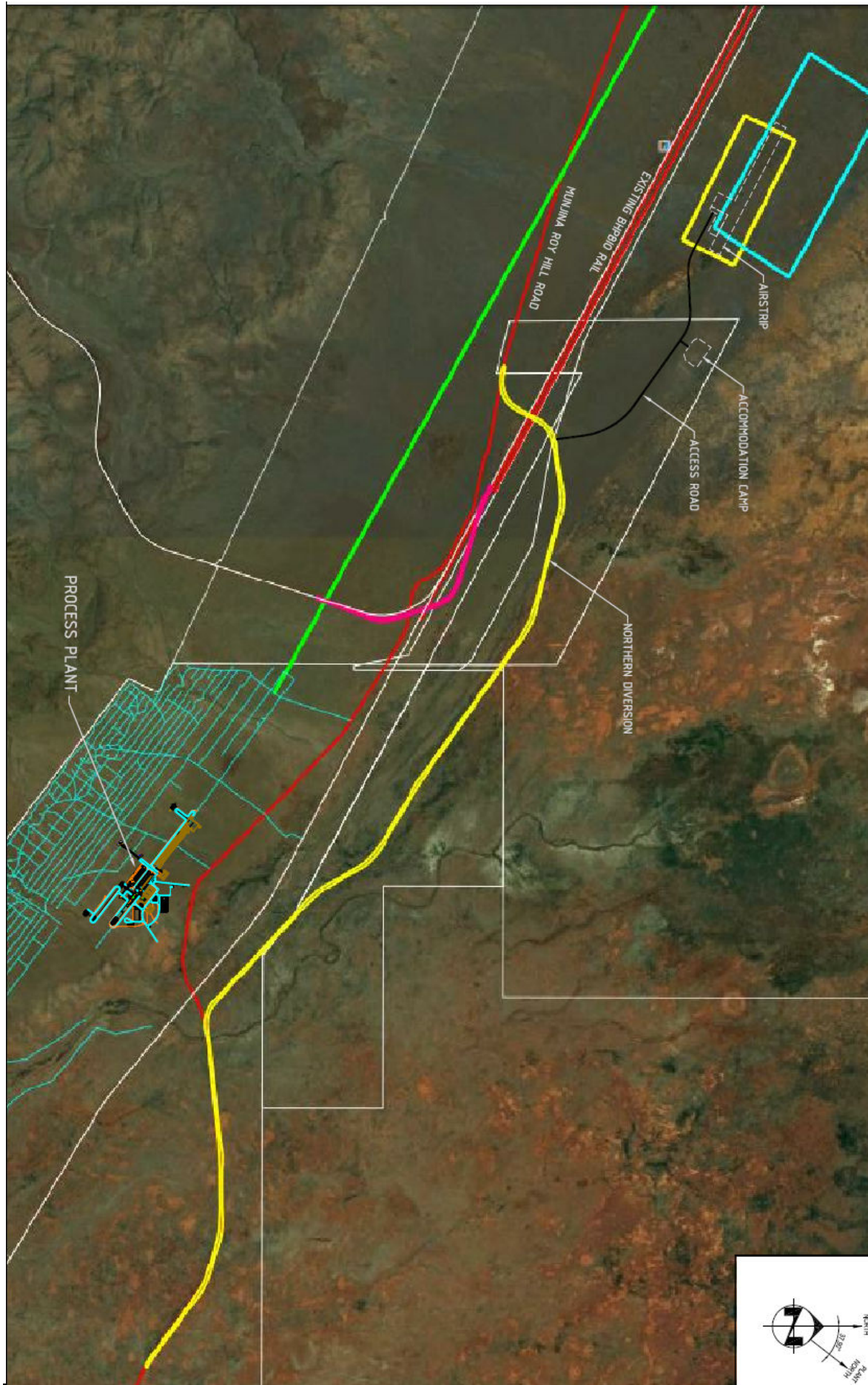
Approximate proposed new alignment shown in yellow.

The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3** Establish a range of Partnerships that add value to our services and supports the needs of the community
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No:	Item 9.1.6
Date:	27 th June 2003
	5 th May 2006
9.3.5	27 th April 2007
9.4.1	24 th July 2009
9.1.6	29 th January 2010
	11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

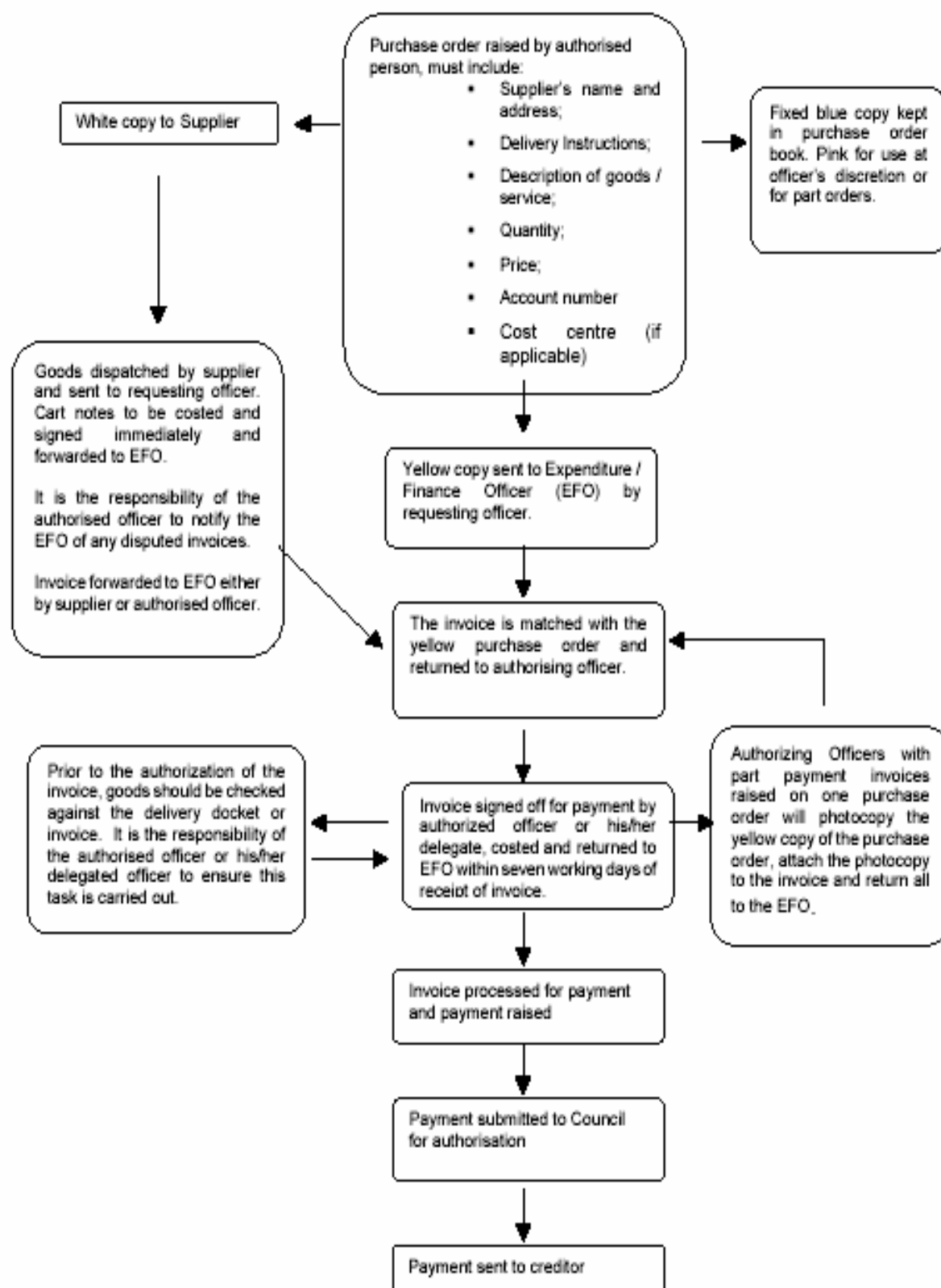
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au .
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

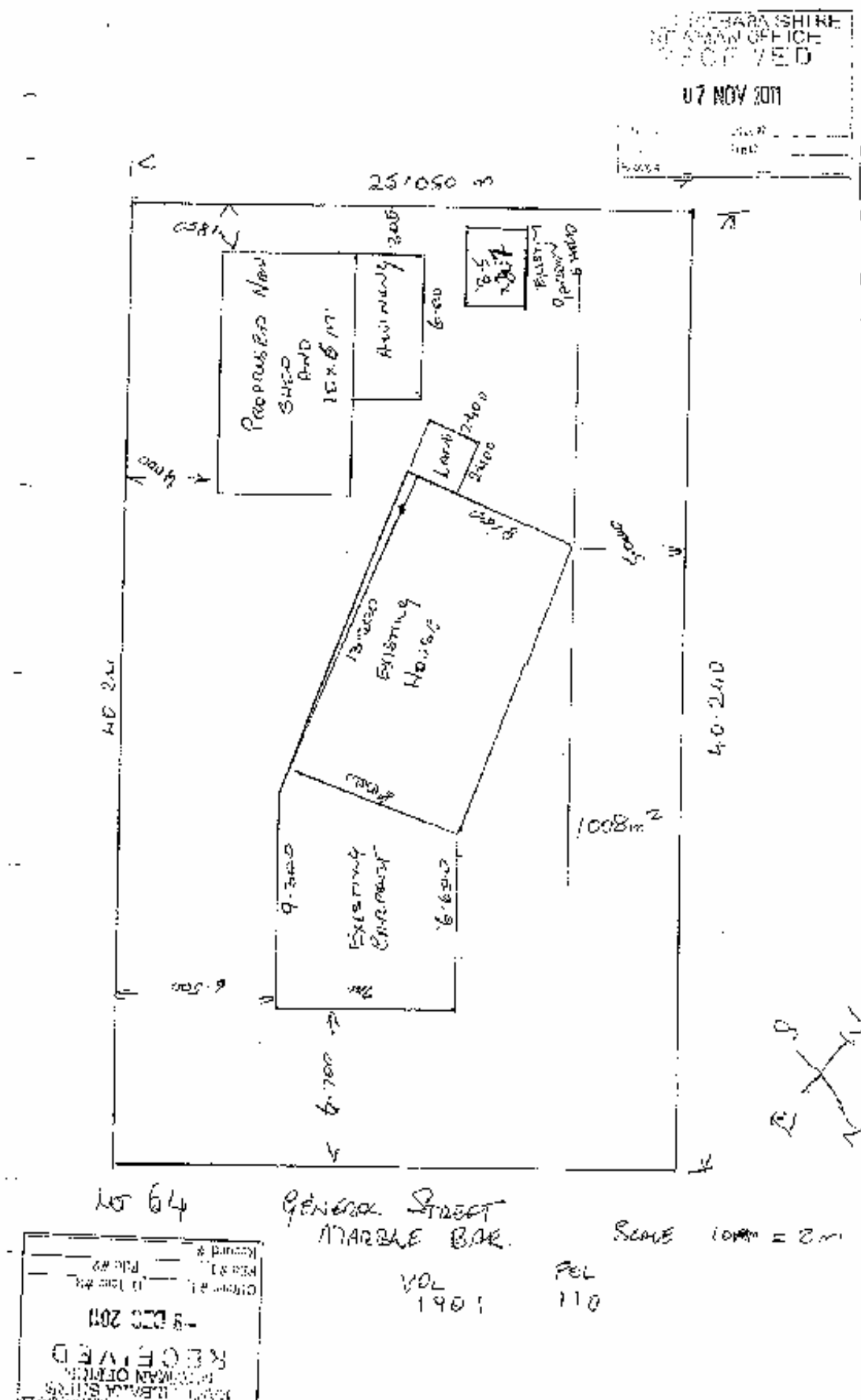
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7
Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Tina Wilson
System Support Records Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles.</p> <p>Technical Services to follow up.</p>			
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>CAPE KERAUDREN</p> <p>Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit.</p> <p>Executive Services to follow up.</p>	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch wining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

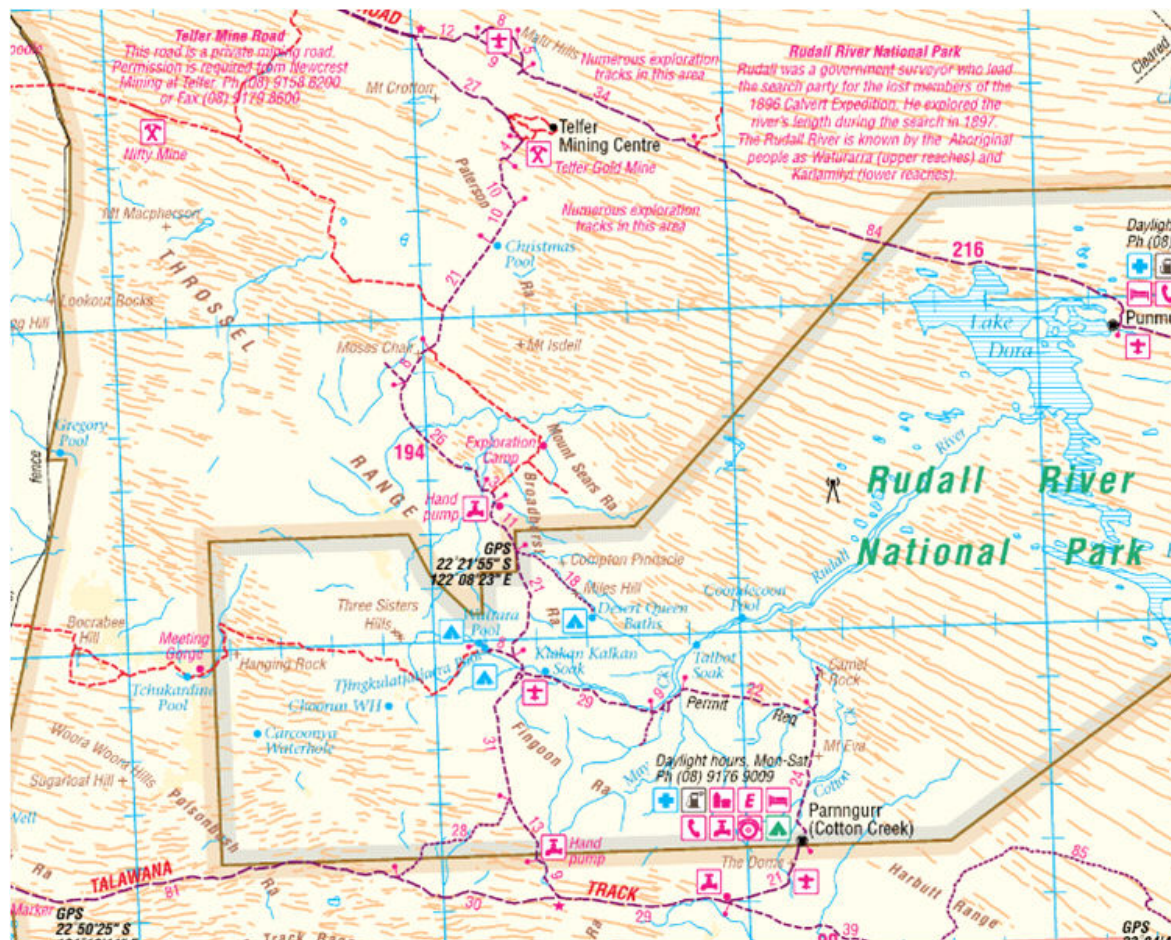
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

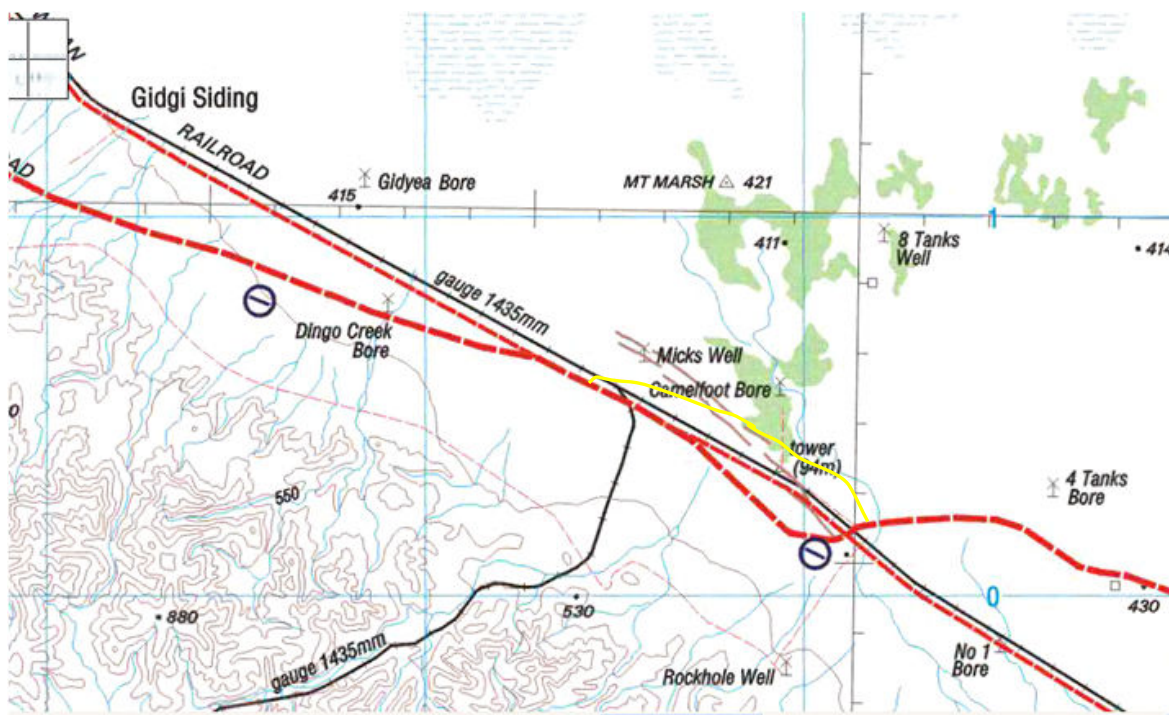
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

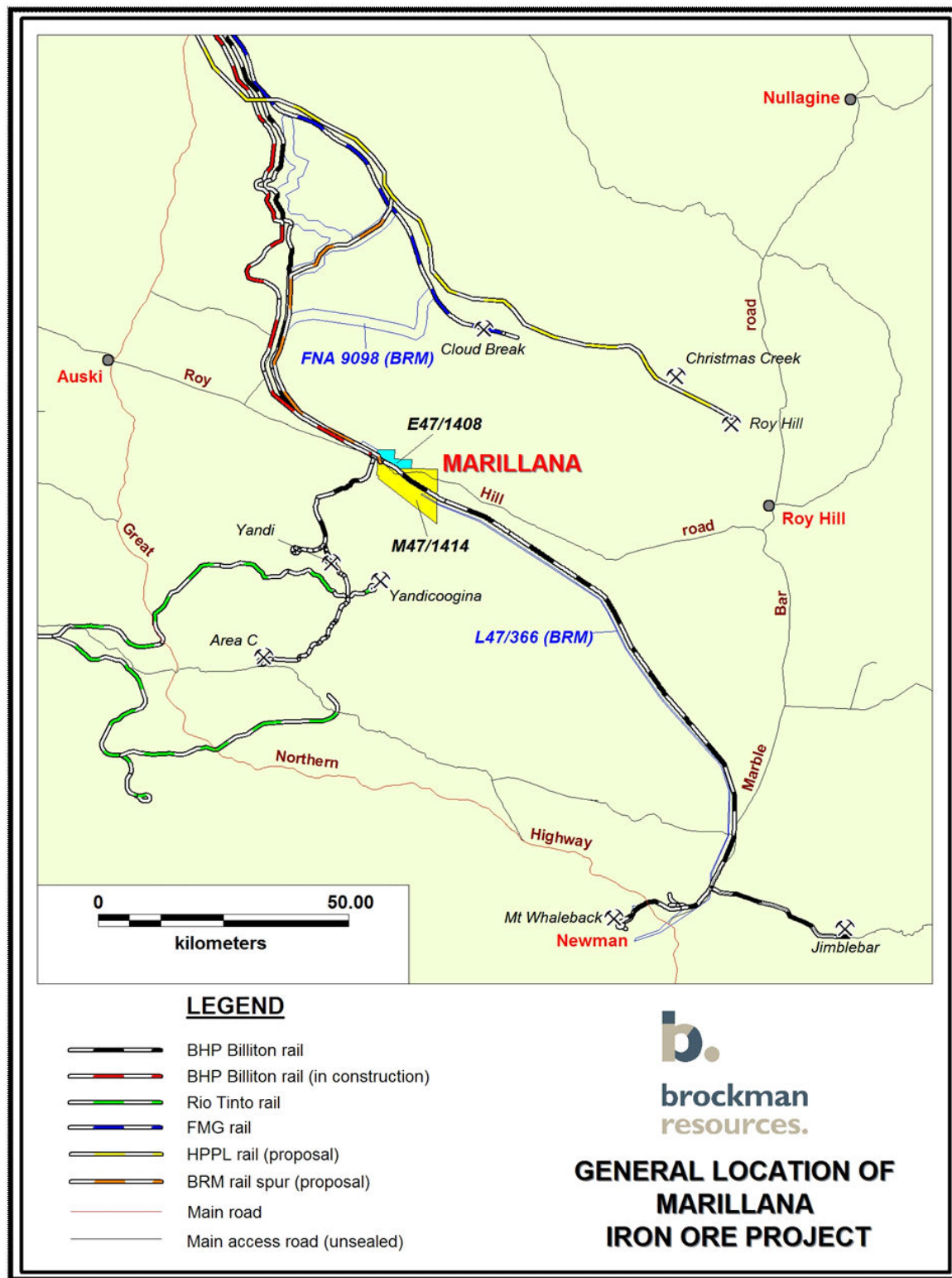
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



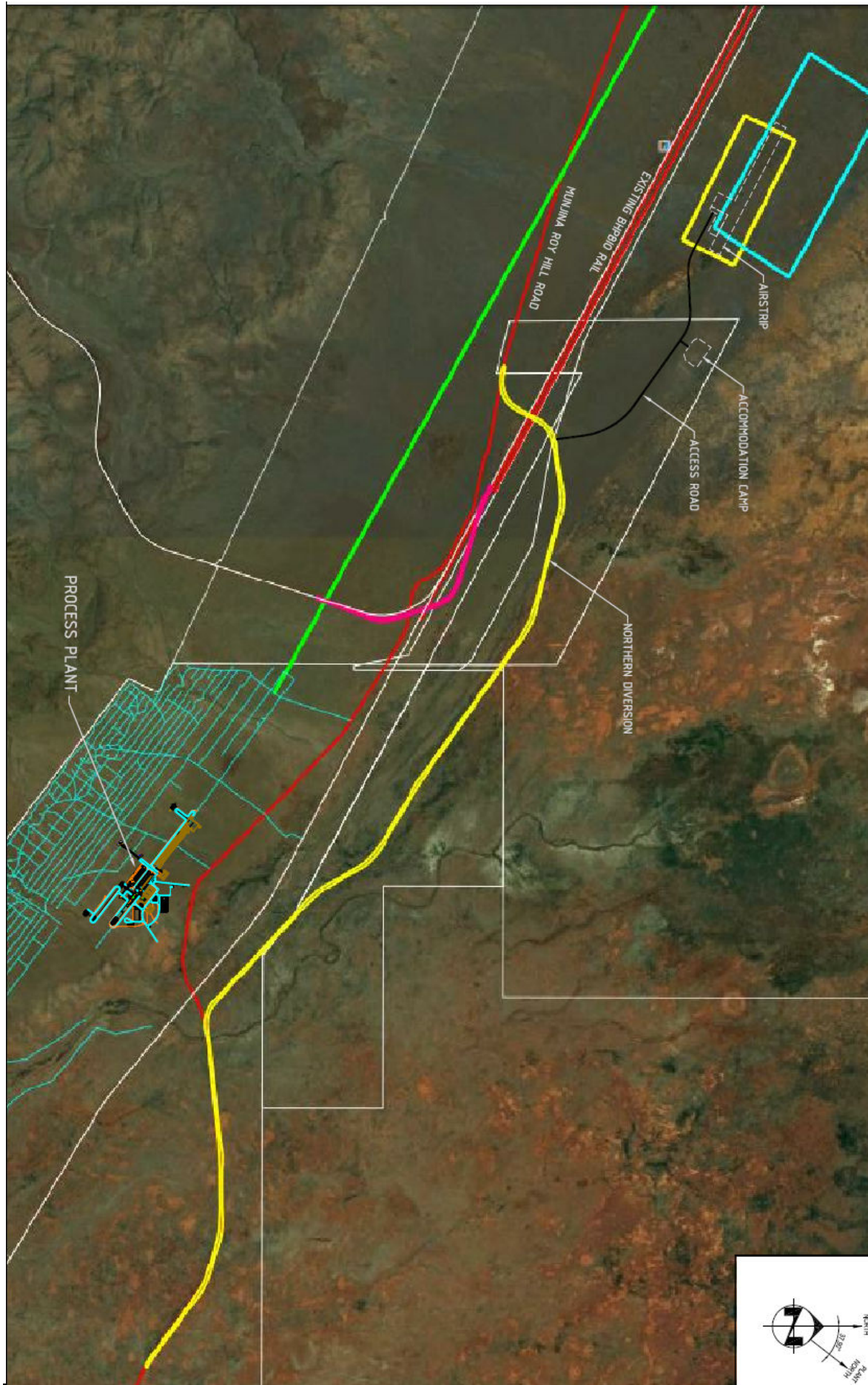
Approximate proposed new alignment shown in yellow.

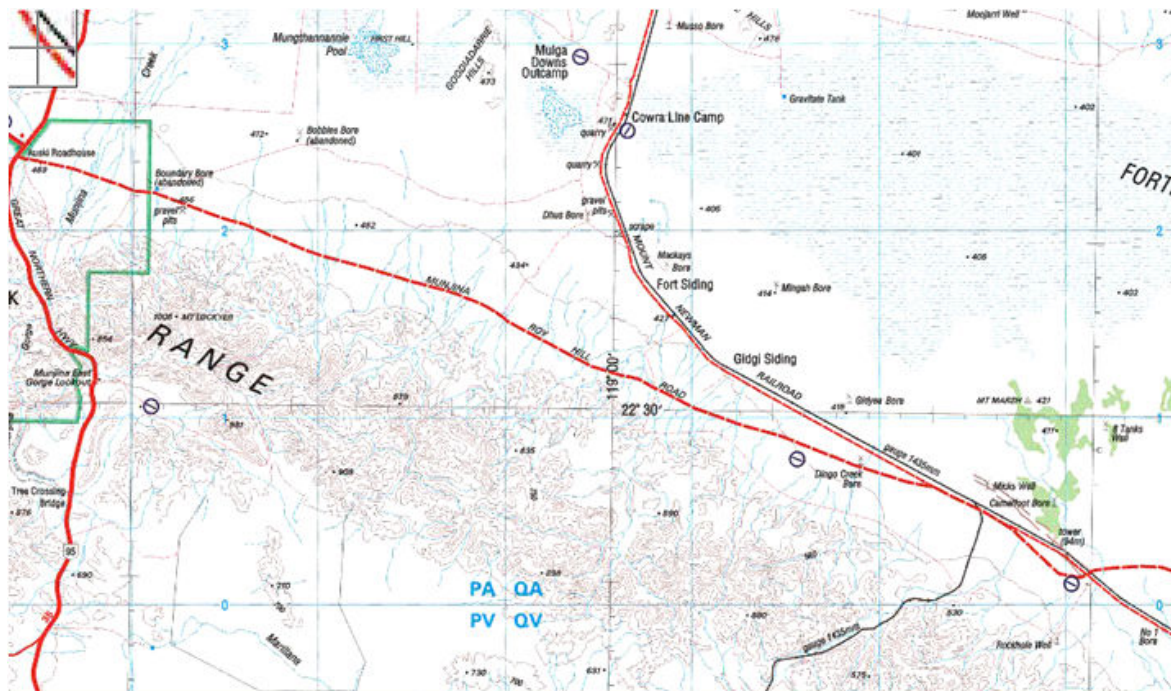
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3** Establish a range of Partnerships that add value to our services and supports the needs of the community
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No:	Item 9.1.6
Date:	27 th June 2003
	5 th May 2006
9.3.5	27 th April 2007
9.4.1	24 th July 2009
9.1.6	29 th January 2010
	11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

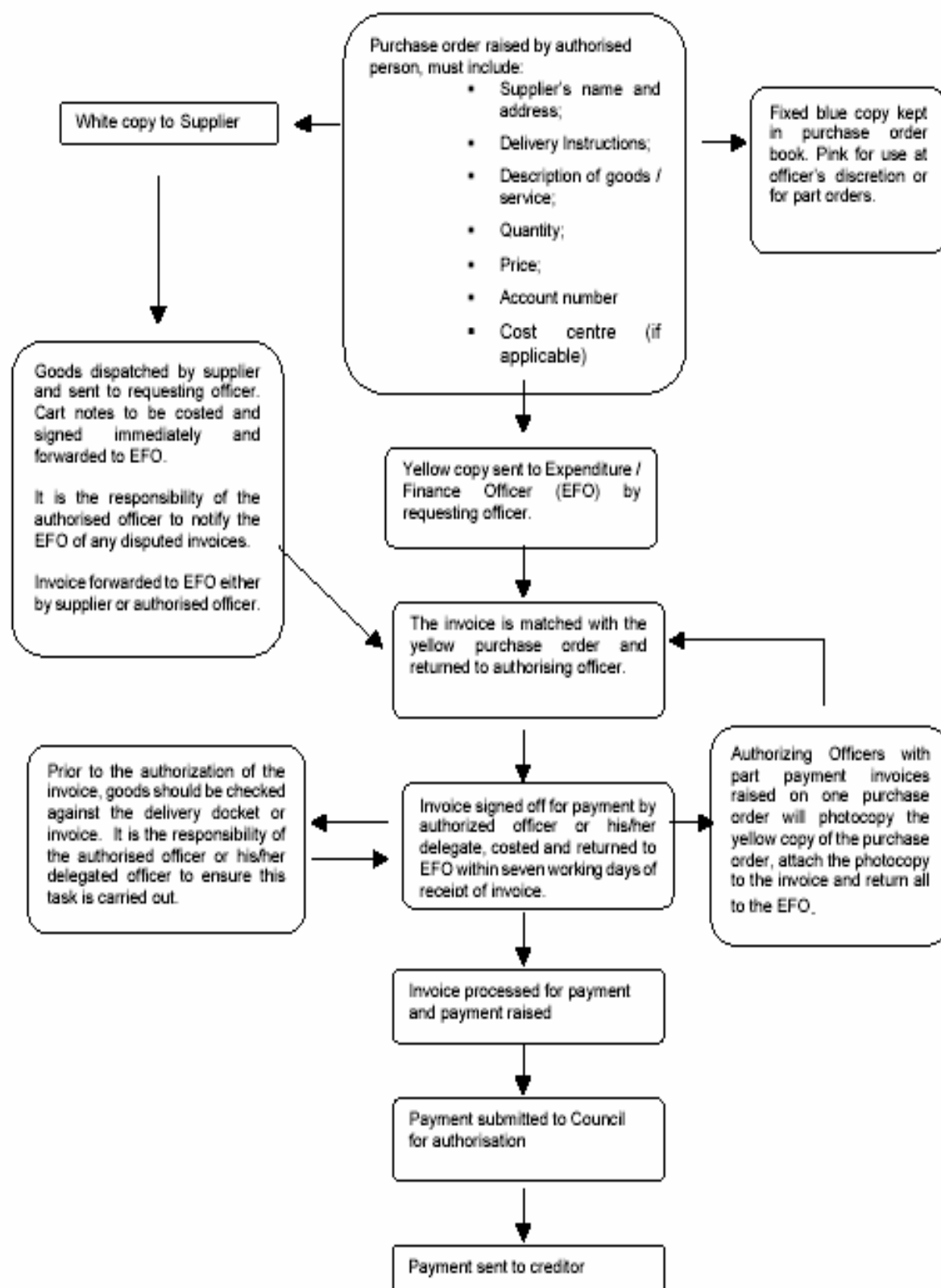
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7
Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Tina Wilson
System Support Records Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory Item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles.</p> <p>Technical Services to follow up.</p>			
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>CAPE KERAUDREN</p> <p>Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit.</p> <p>Executive Services to follow up.</p>	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch whining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

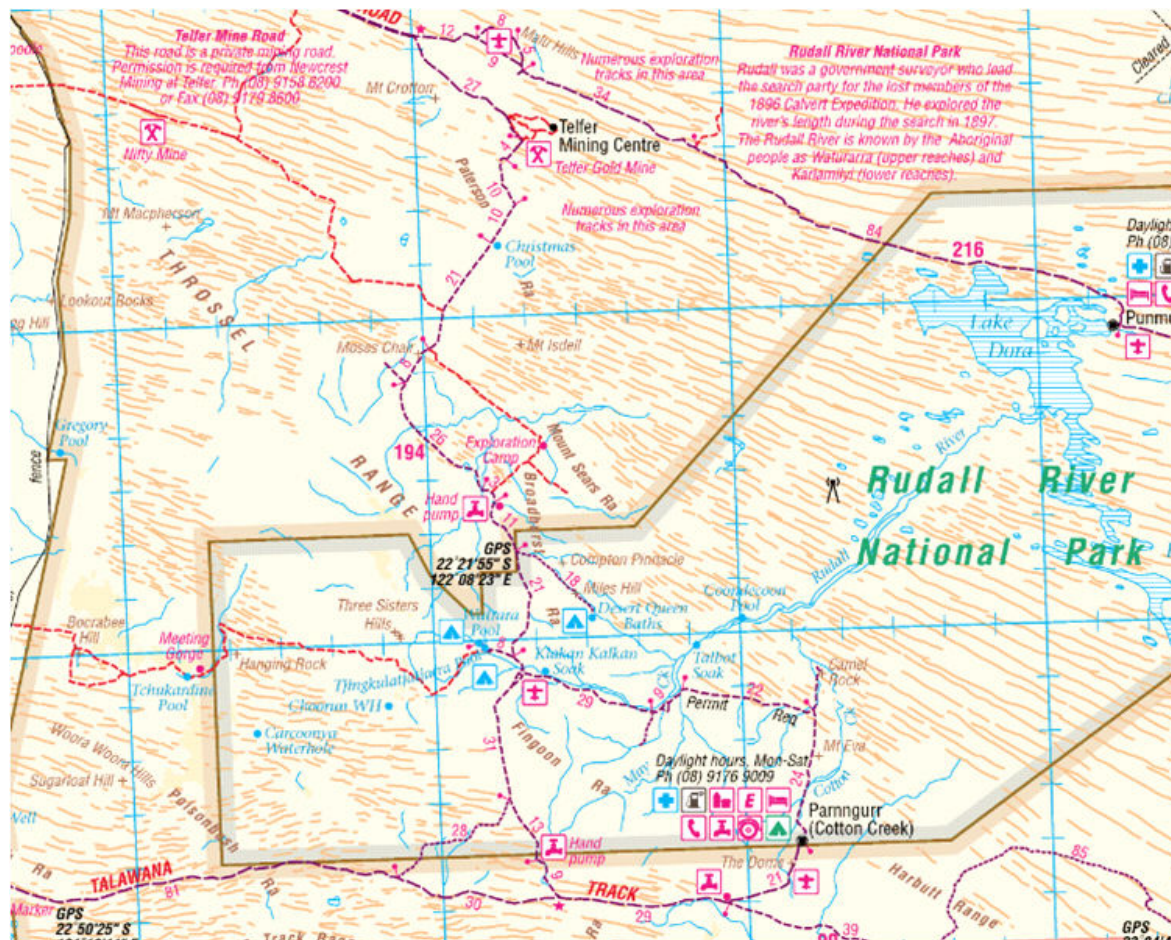
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

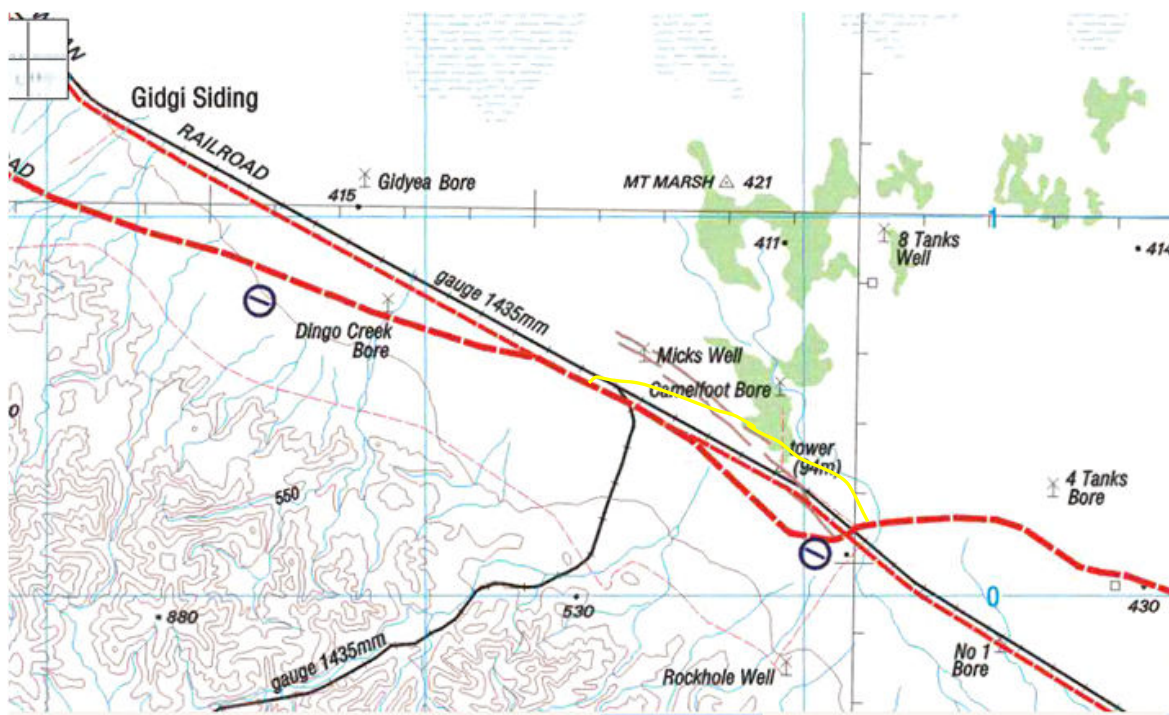
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

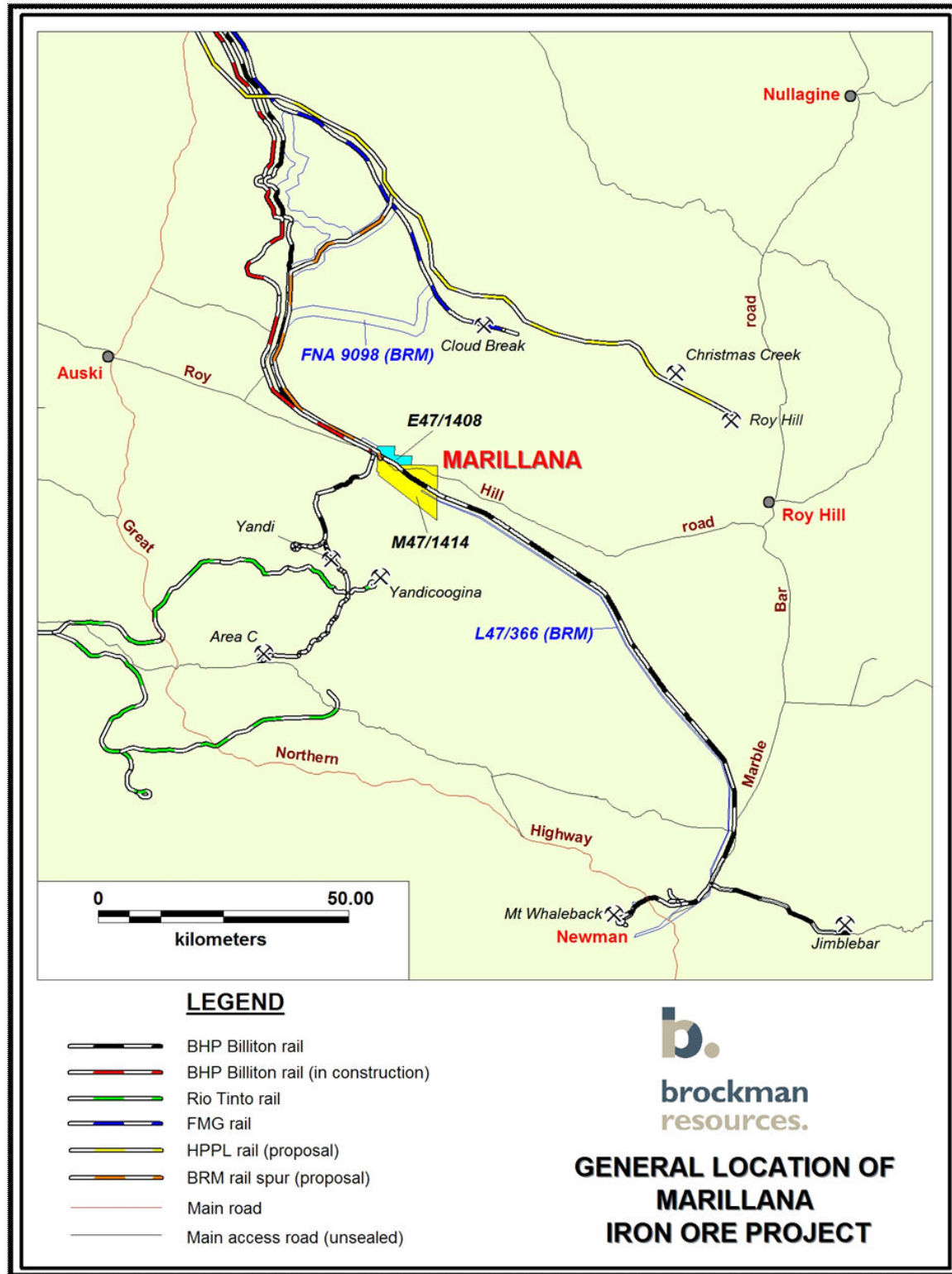
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



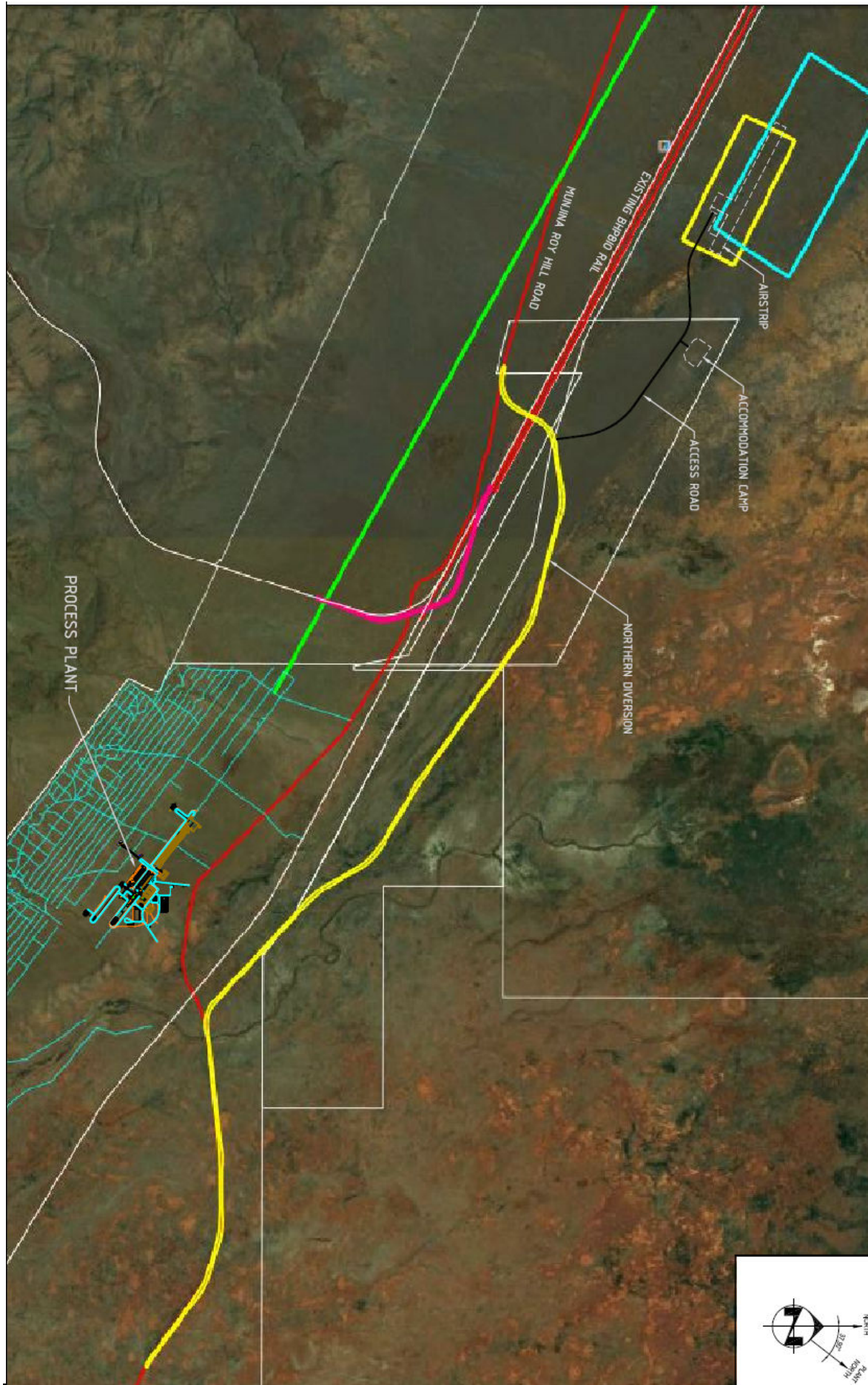
Approximate proposed new alignment shown in yellow.

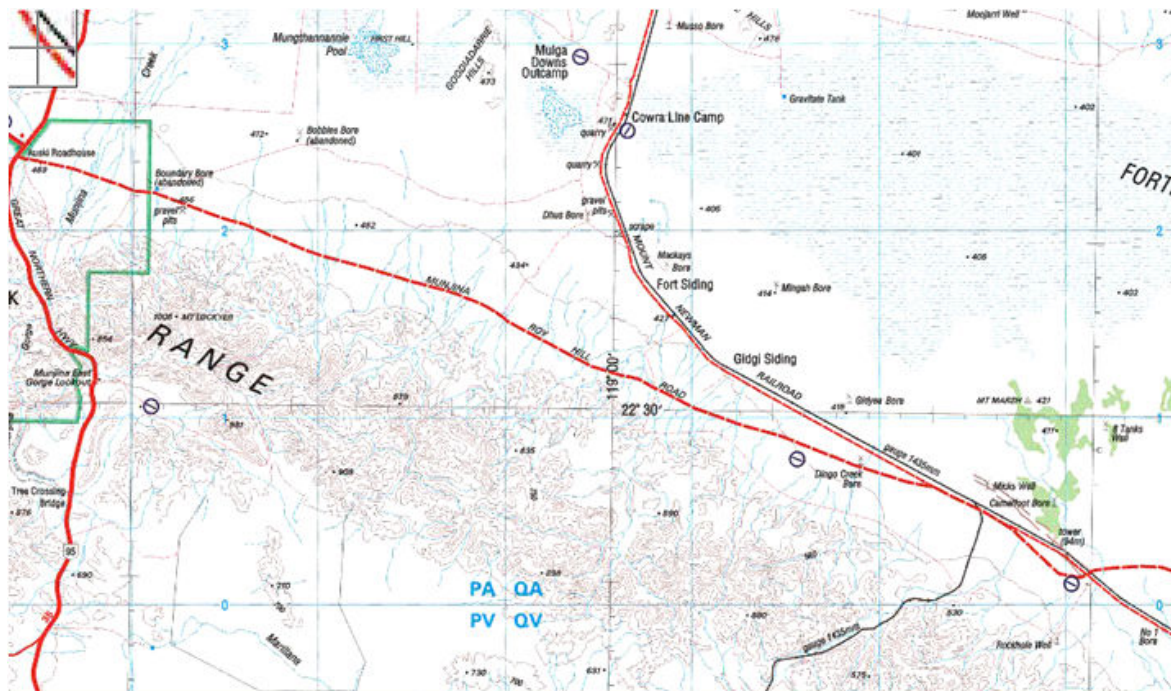
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS.....	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11).....	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3** Establish a range of Partnerships that add value to our services and supports the needs of the community
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

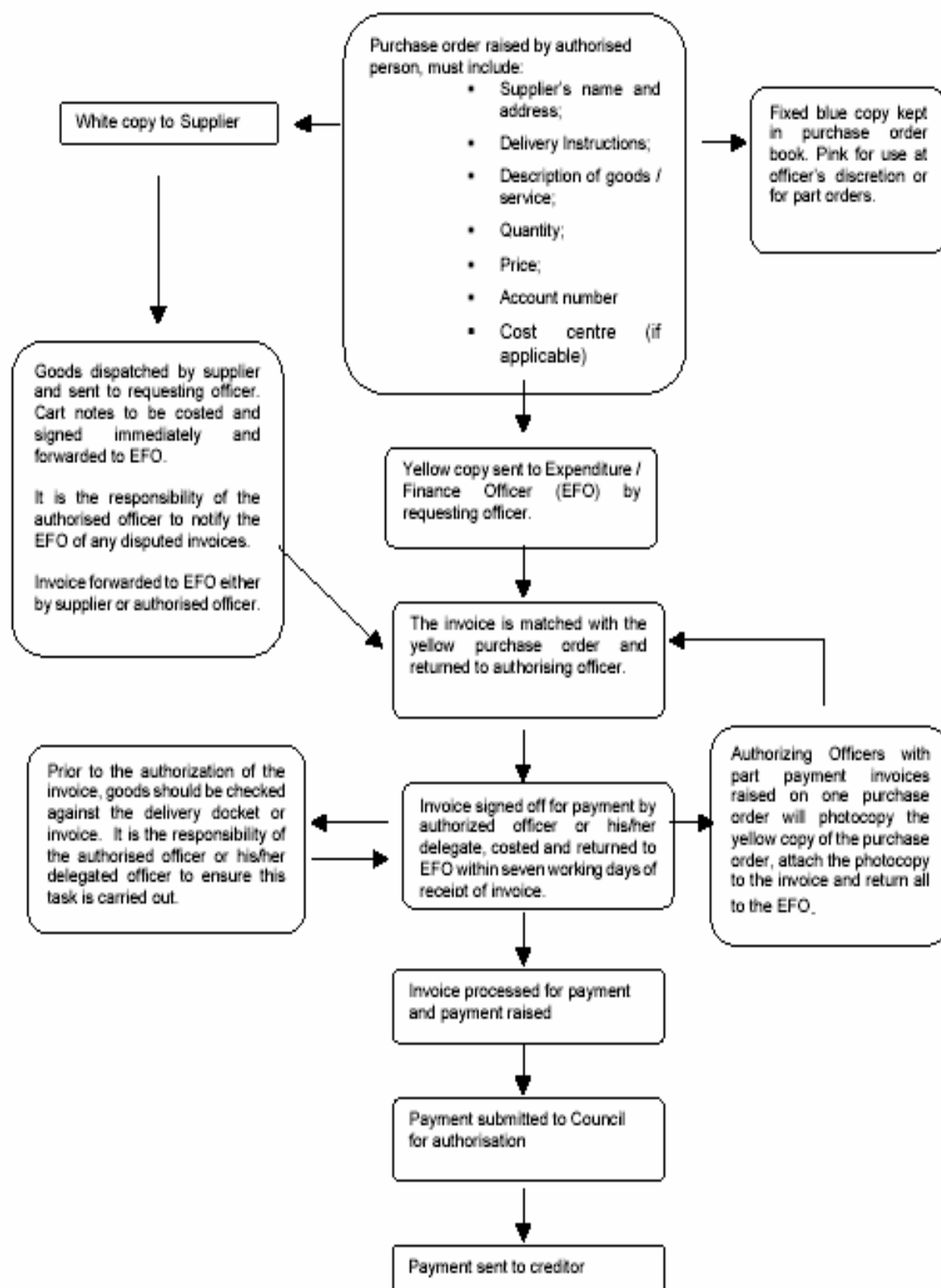
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) Local Government (Functions and General) Regulations 1996

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

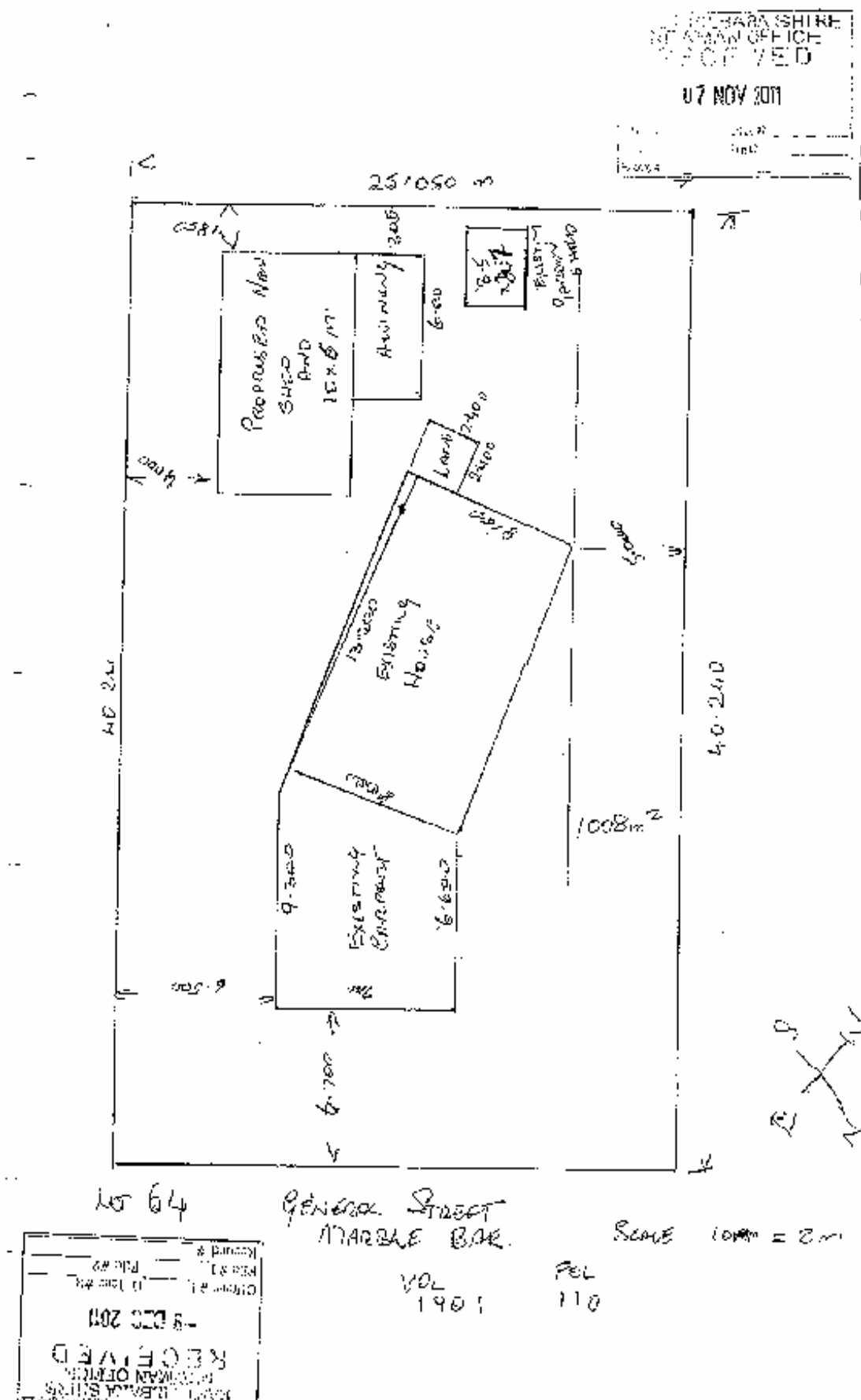
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
(a) the ordinary council meetings; and
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
(g) the giving of public notice of the date and agenda for council or committee meetings;

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2
Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Candice Giblett
Expenditure Finance Officer
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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.			
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. Technical Services to follow up.	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Executive Services to follow up.	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch wining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

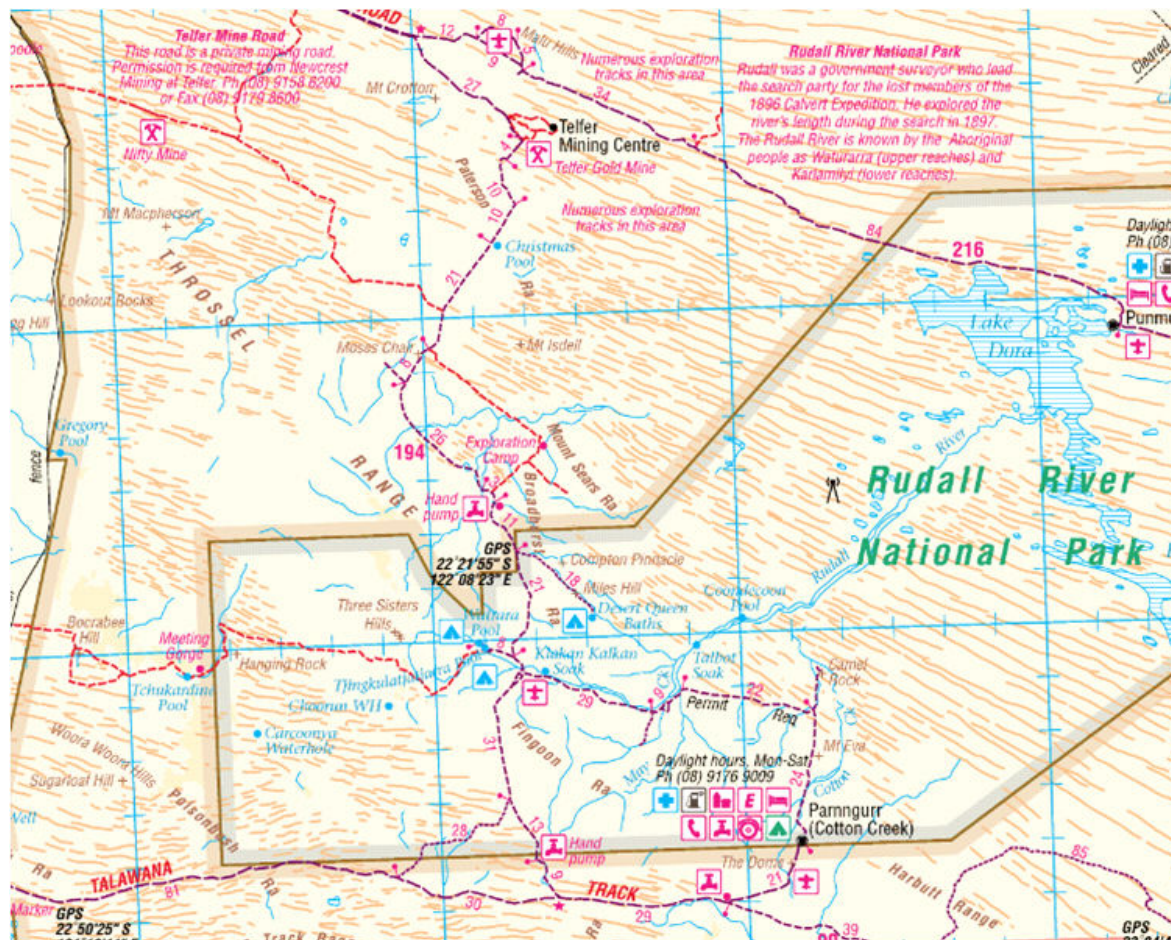
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamilyi National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The first 70km from the Talawana Track is not maintained on a regular basis. The Department of Environment and Conservation (DEC) have advised that funding is not available for regular maintenance and as such the current condition of this section is very poor. The track is approximately a single lane 3-4m wide sandy track with heavy corrugation which changes to undulating country with a rockier base. This section also crosses a major river (Rudall River) as well as several minor low lying flood prone areas.

The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamitji National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

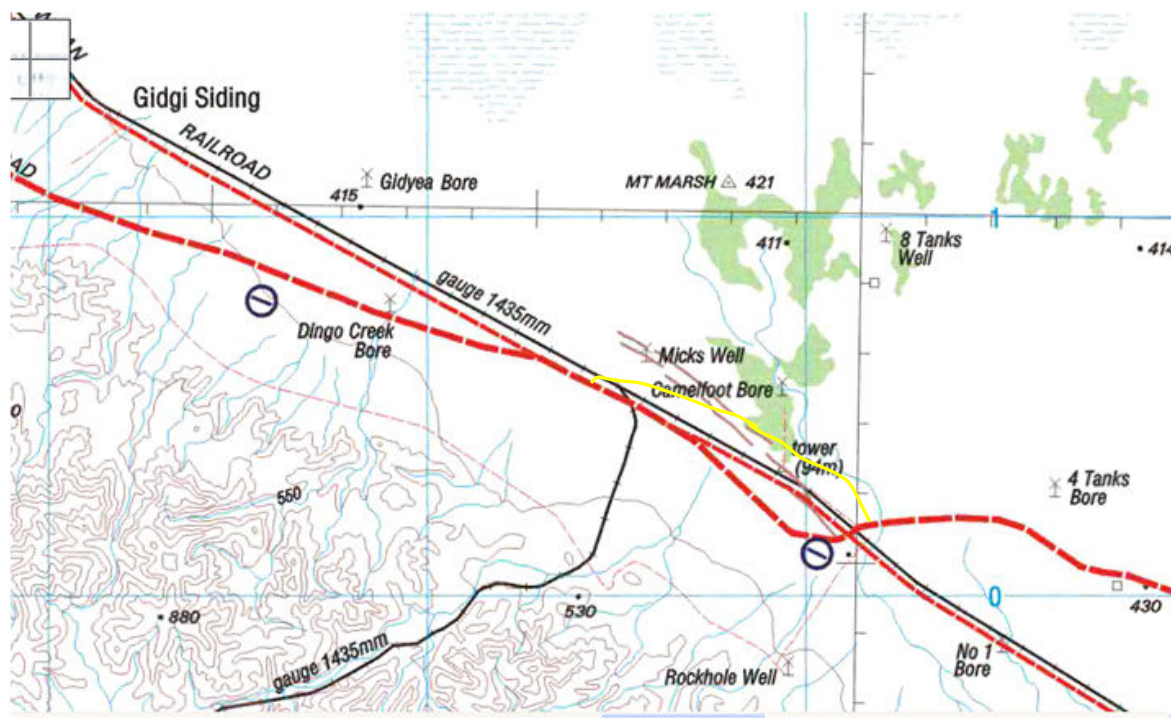
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

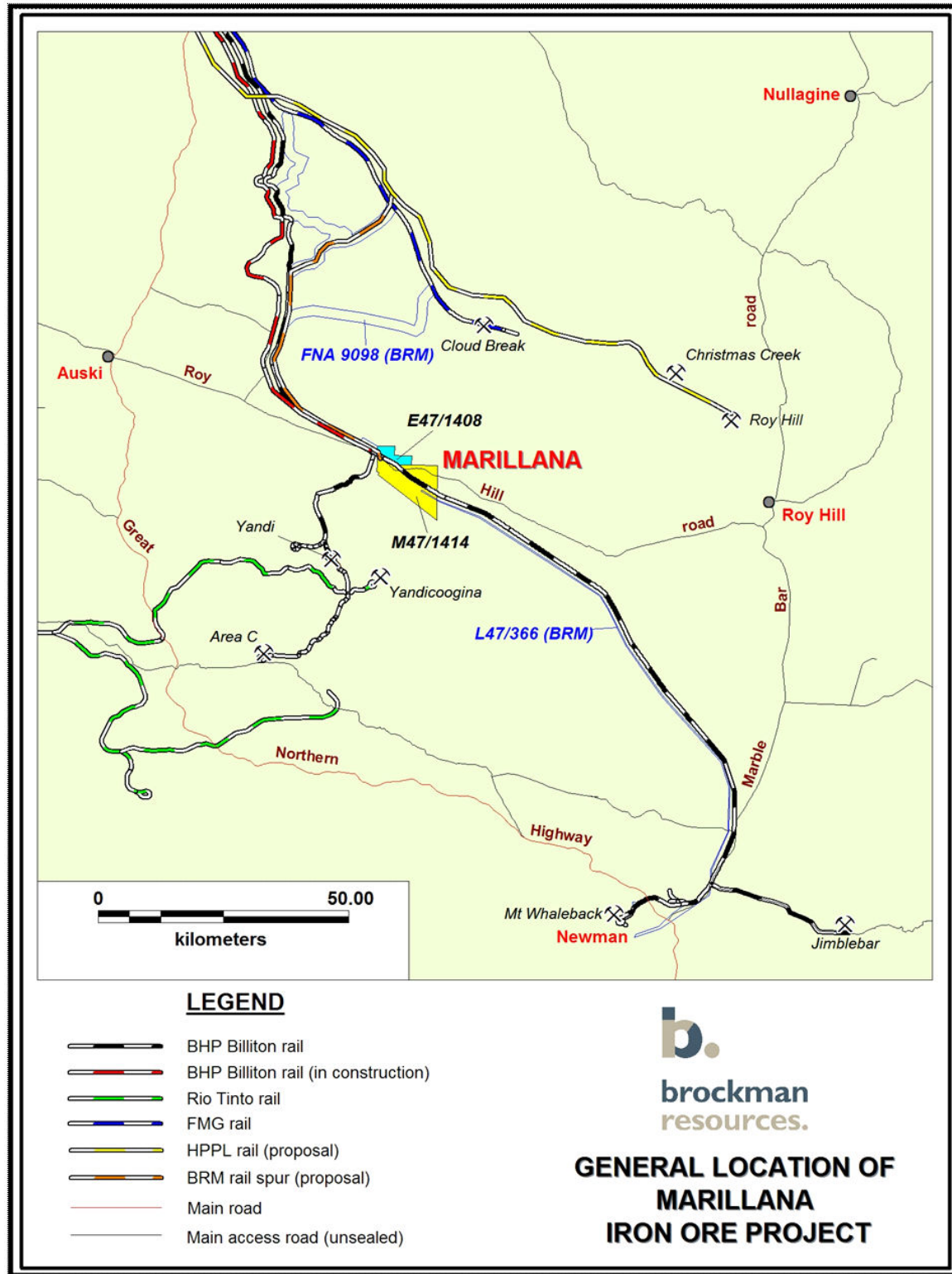
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



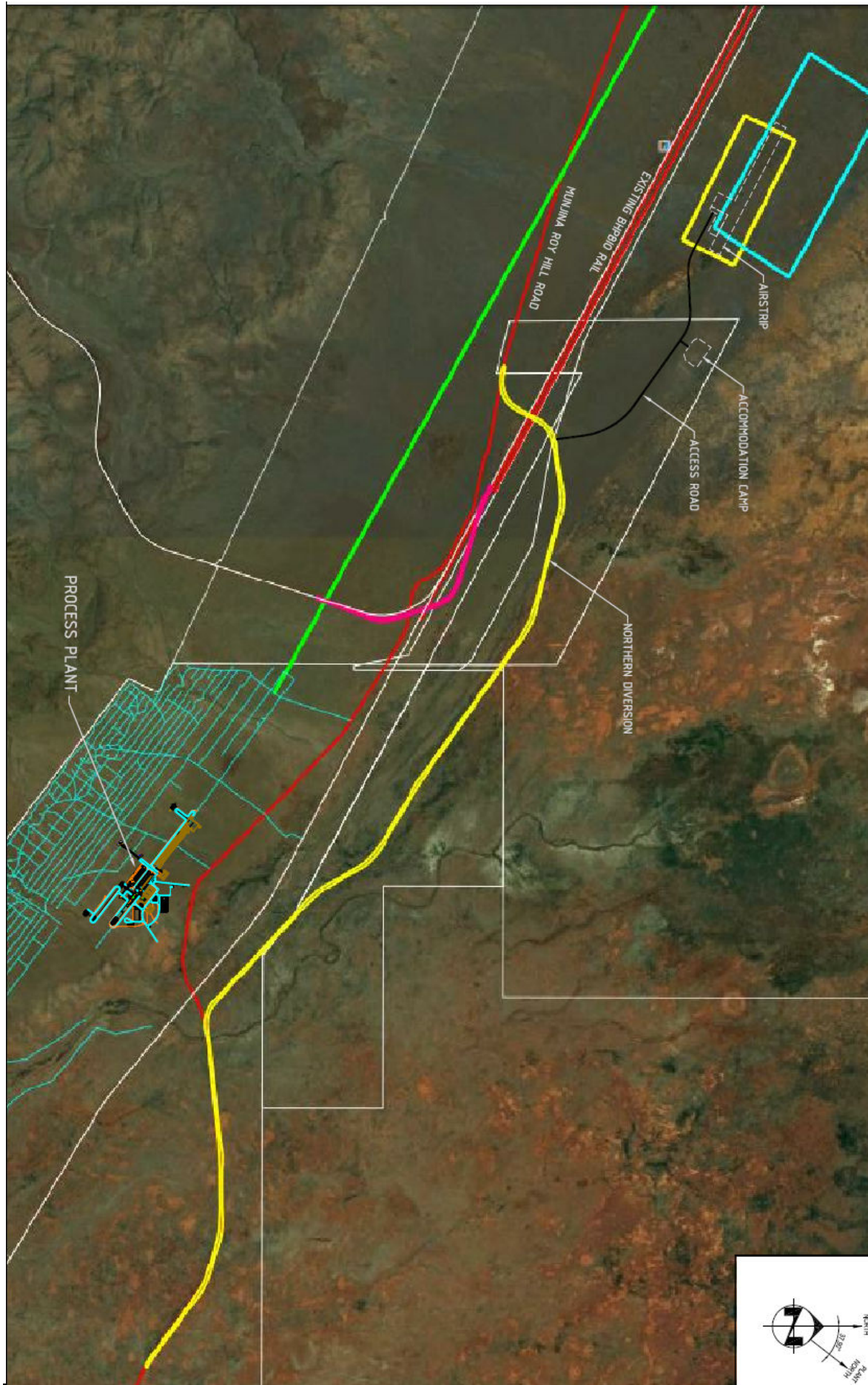
Approximate proposed new alignment shown in yellow.

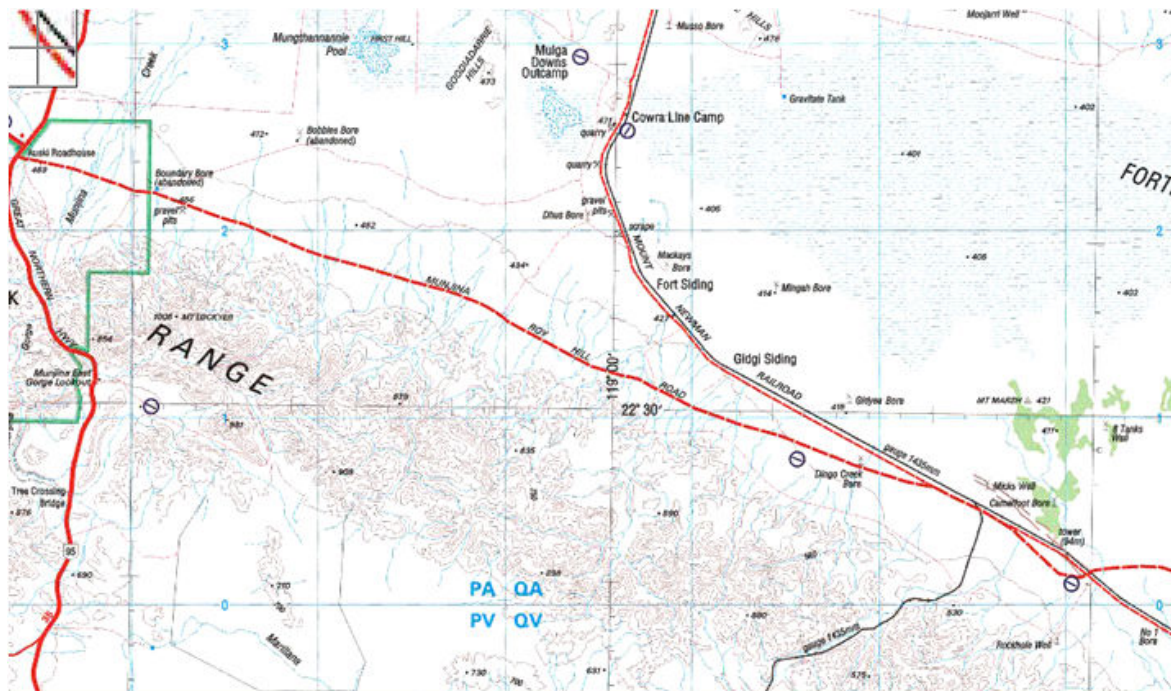
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3** Establish a range of Partnerships that add value to our services and supports the needs of the community
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

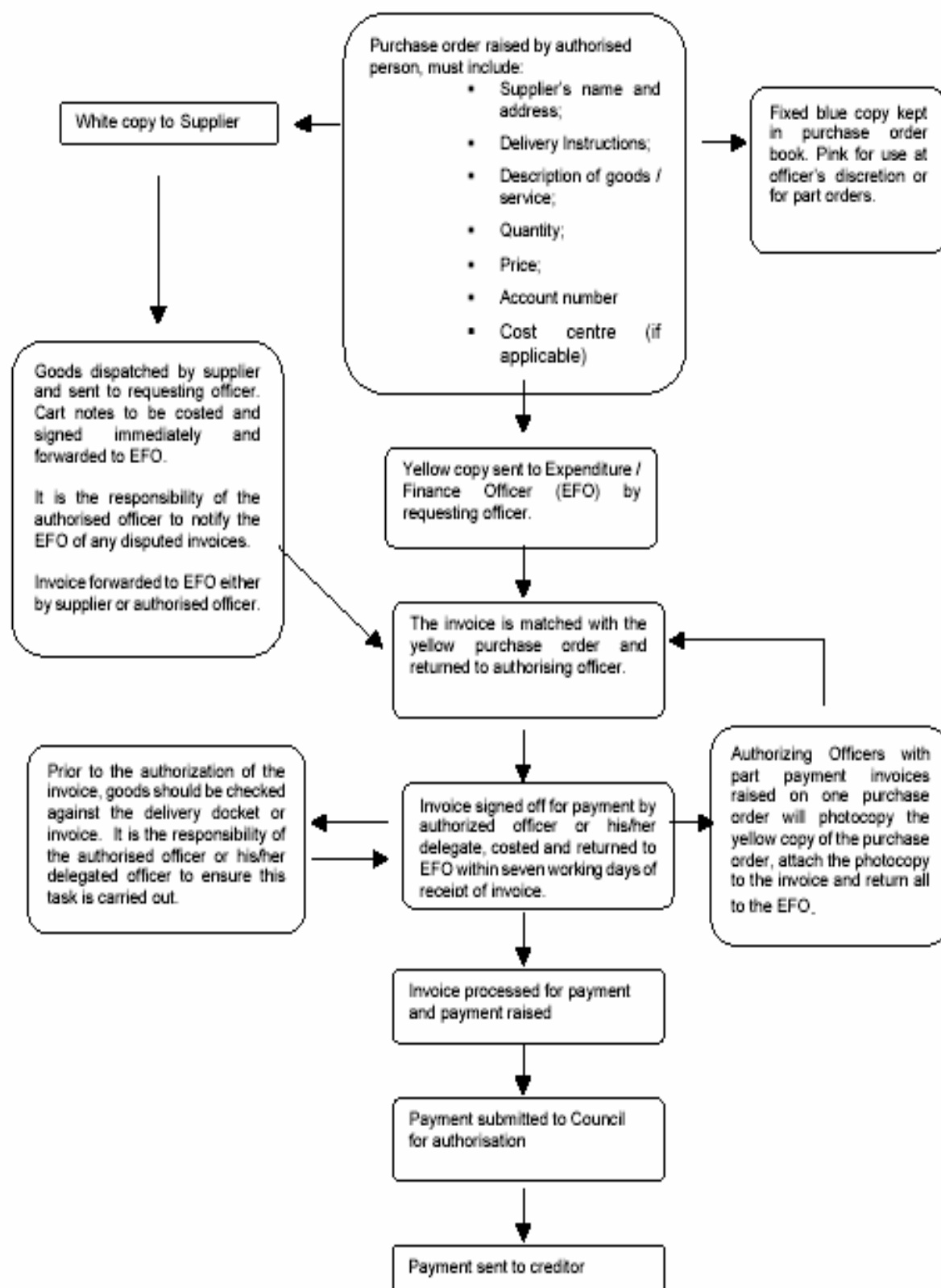
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au .
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

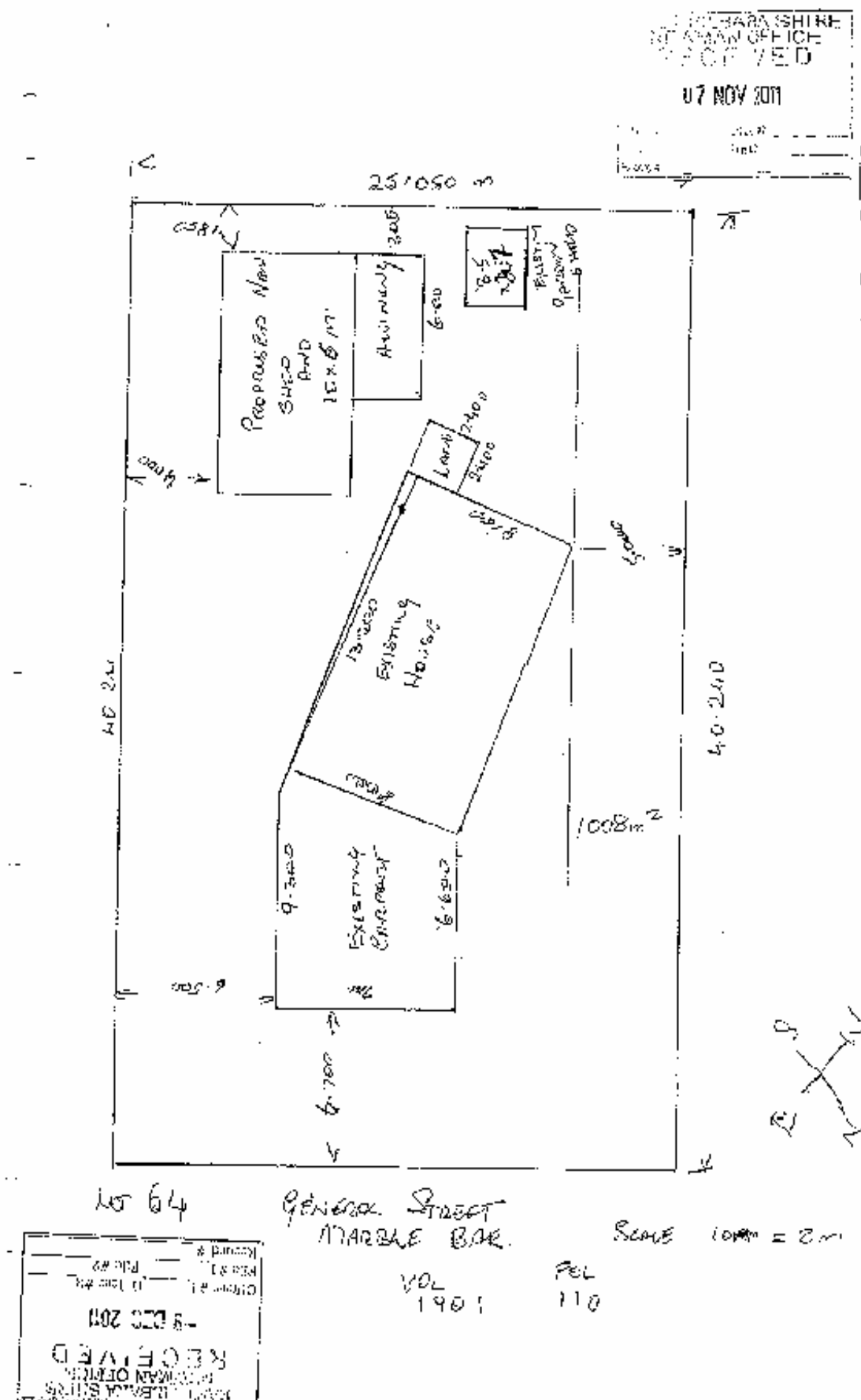
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	Tiger Turf confirmed in late December of a January 2012 – site visit. Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather. Trip to be rescheduled by Tiger Turf at a later date.	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
(a) the ordinary council meetings; and
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
(g) the giving of public notice of the date and agenda for council or committee meetings;

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory Item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles.</p> <p>Technical Services to follow up.</p>			
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>CAPE KERAUDREN</p> <p>Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit.</p> <p>Executive Services to follow up.</p>	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch whining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

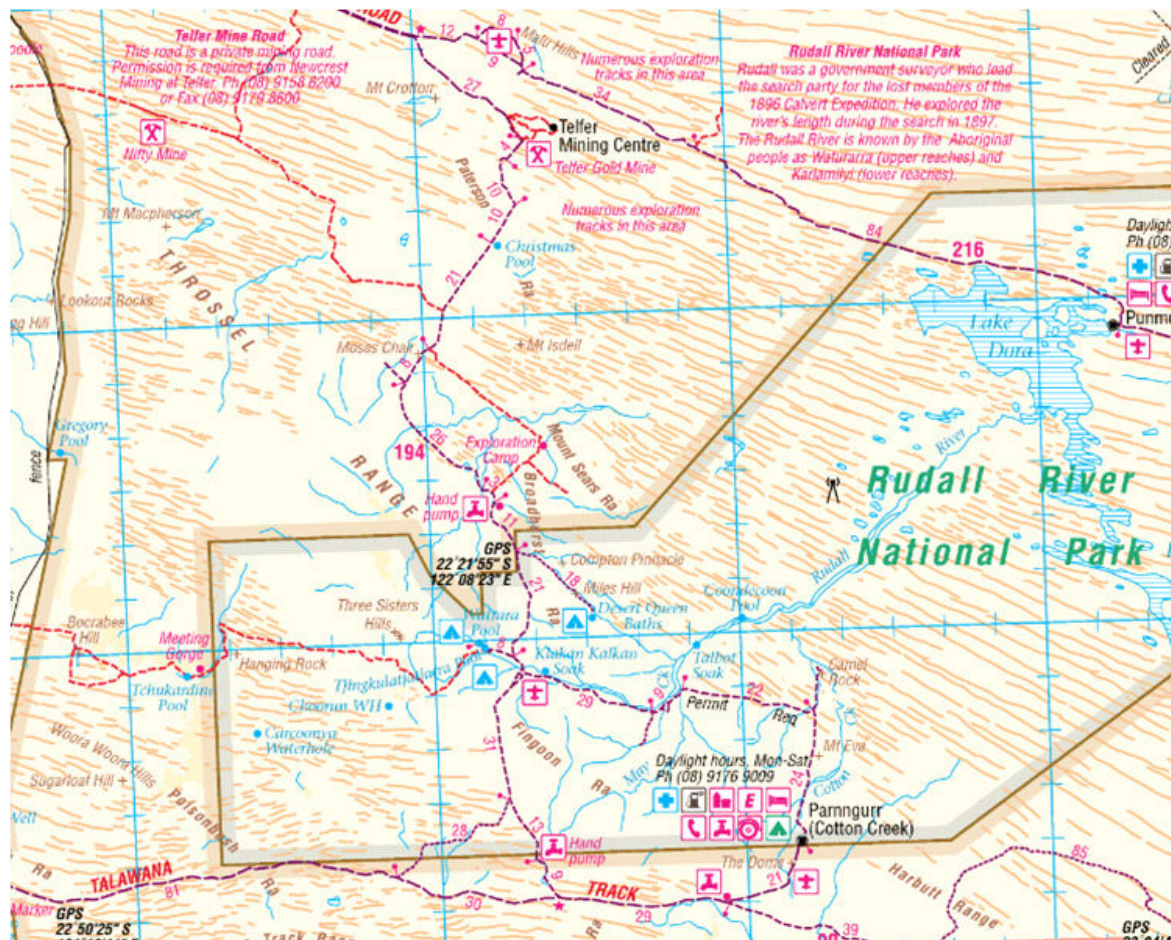
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamilyi National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

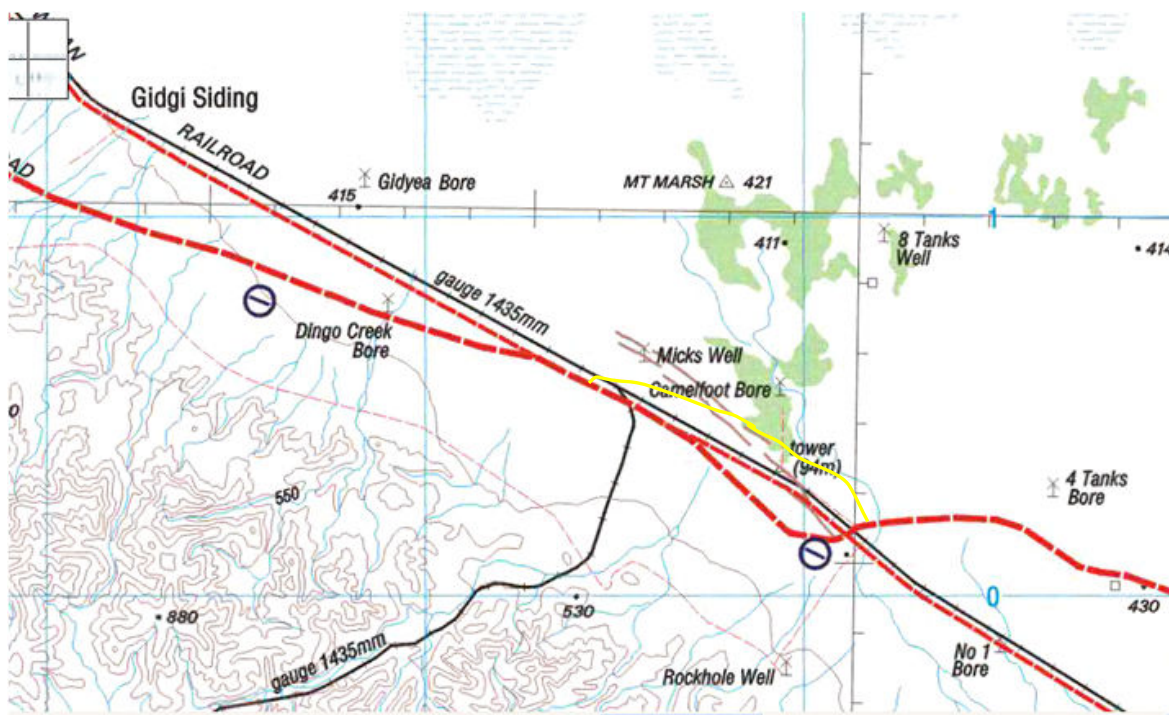
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

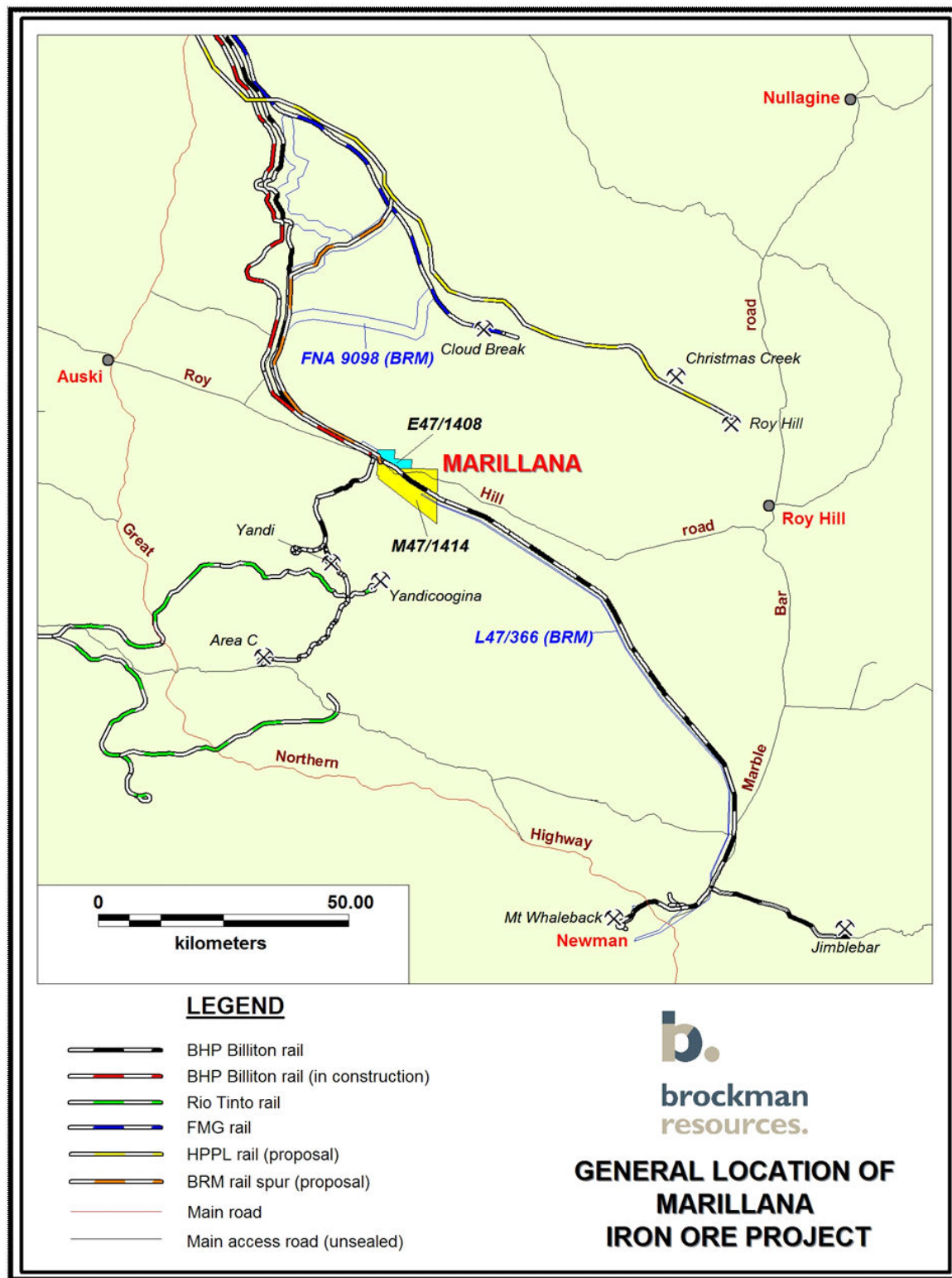
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



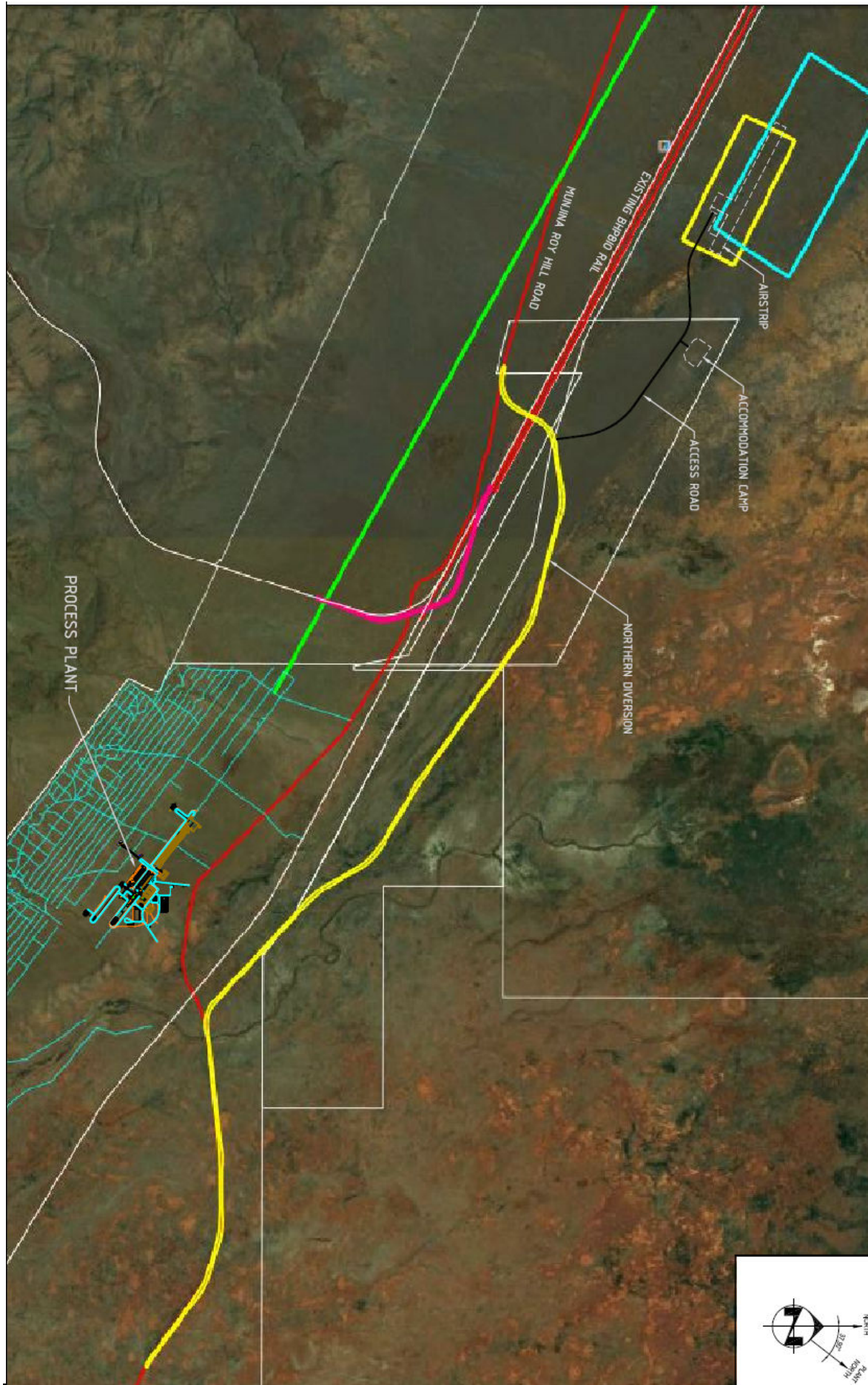
Approximate proposed new alignment shown in yellow.

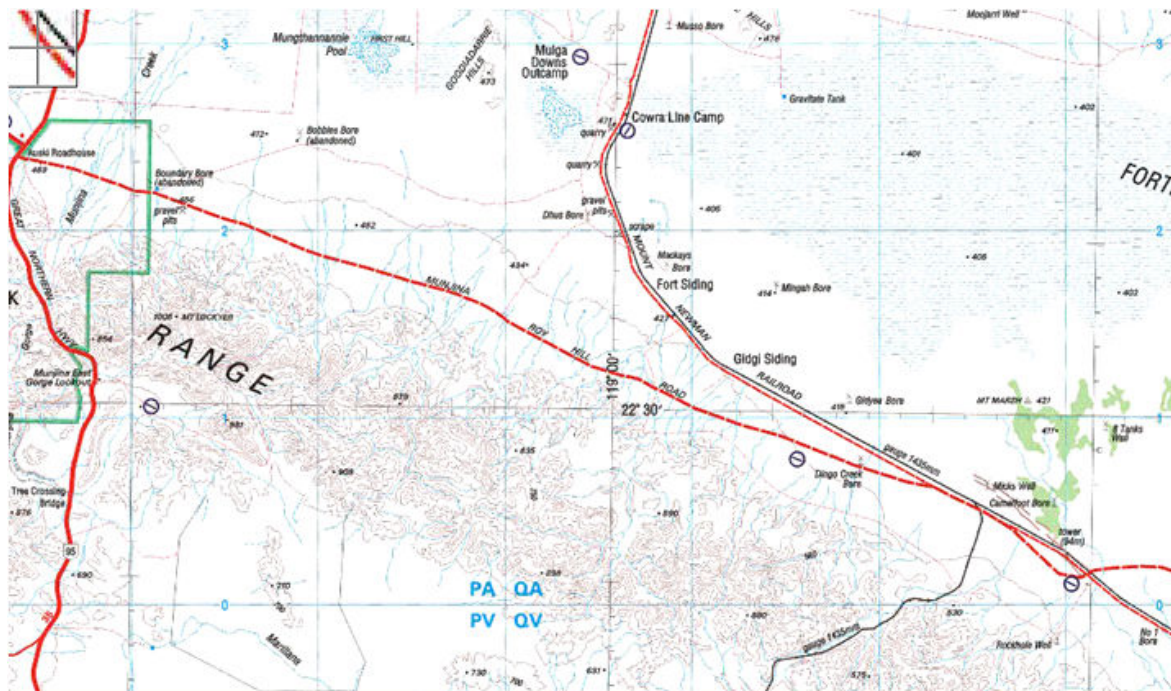
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community**
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

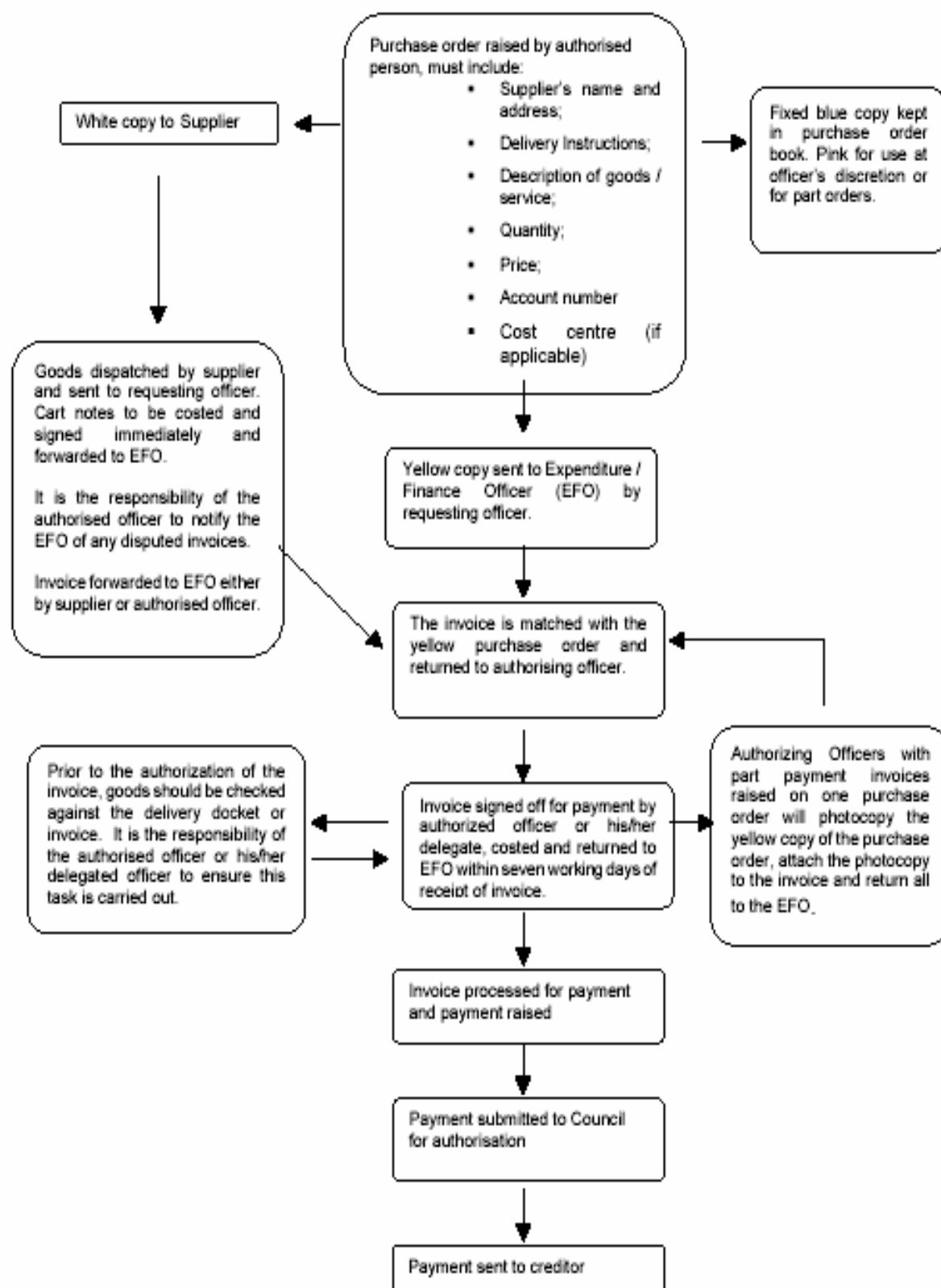
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

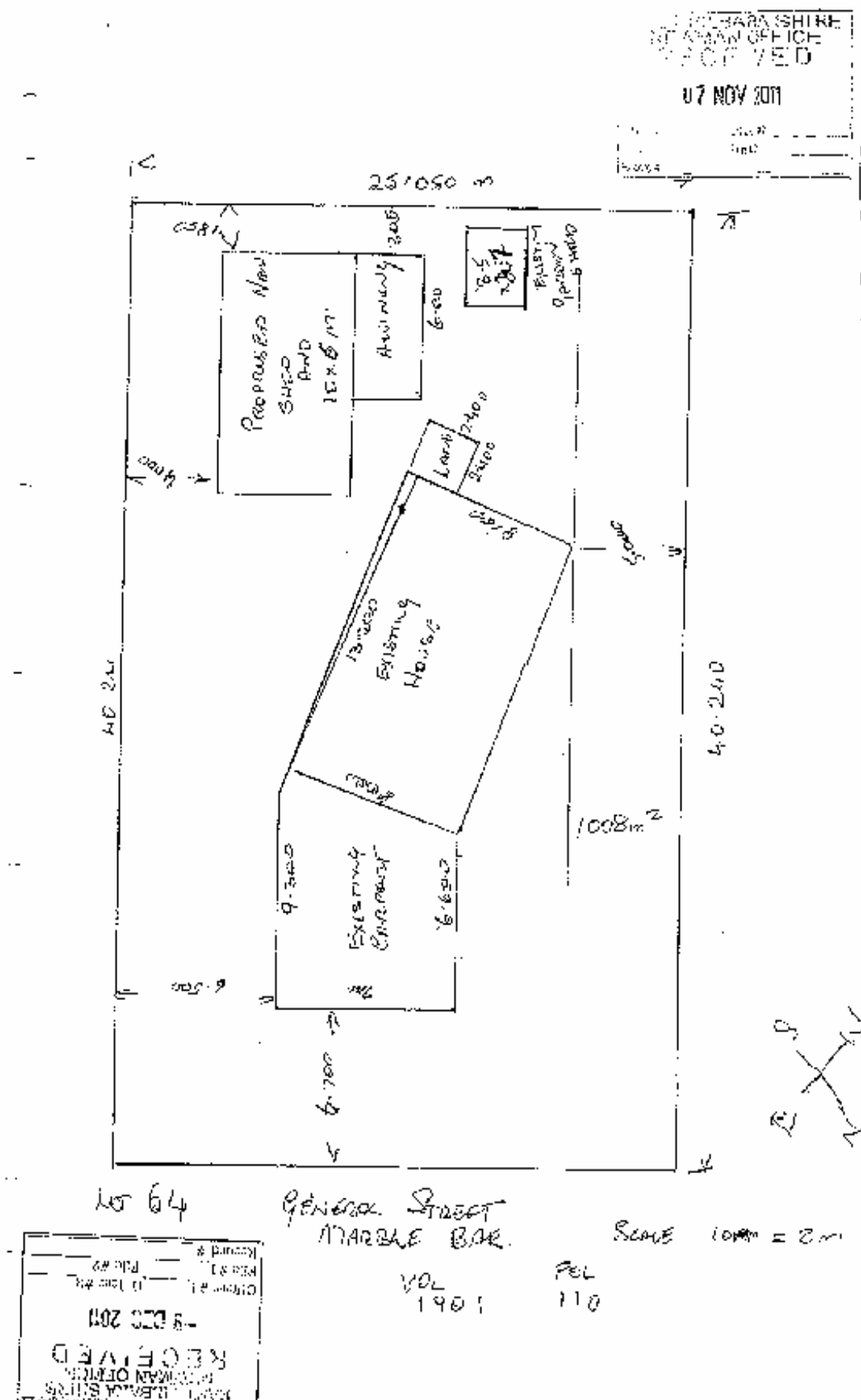
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
(a) the ordinary council meetings; and
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
(g) the giving of public notice of the date and agenda for council or committee meetings;

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles.</p> <p>Technical Services to follow up.</p>			
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>CAPE KERAUDREN</p> <p>Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit.</p> <p>Executive Services to follow up.</p>	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch whining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

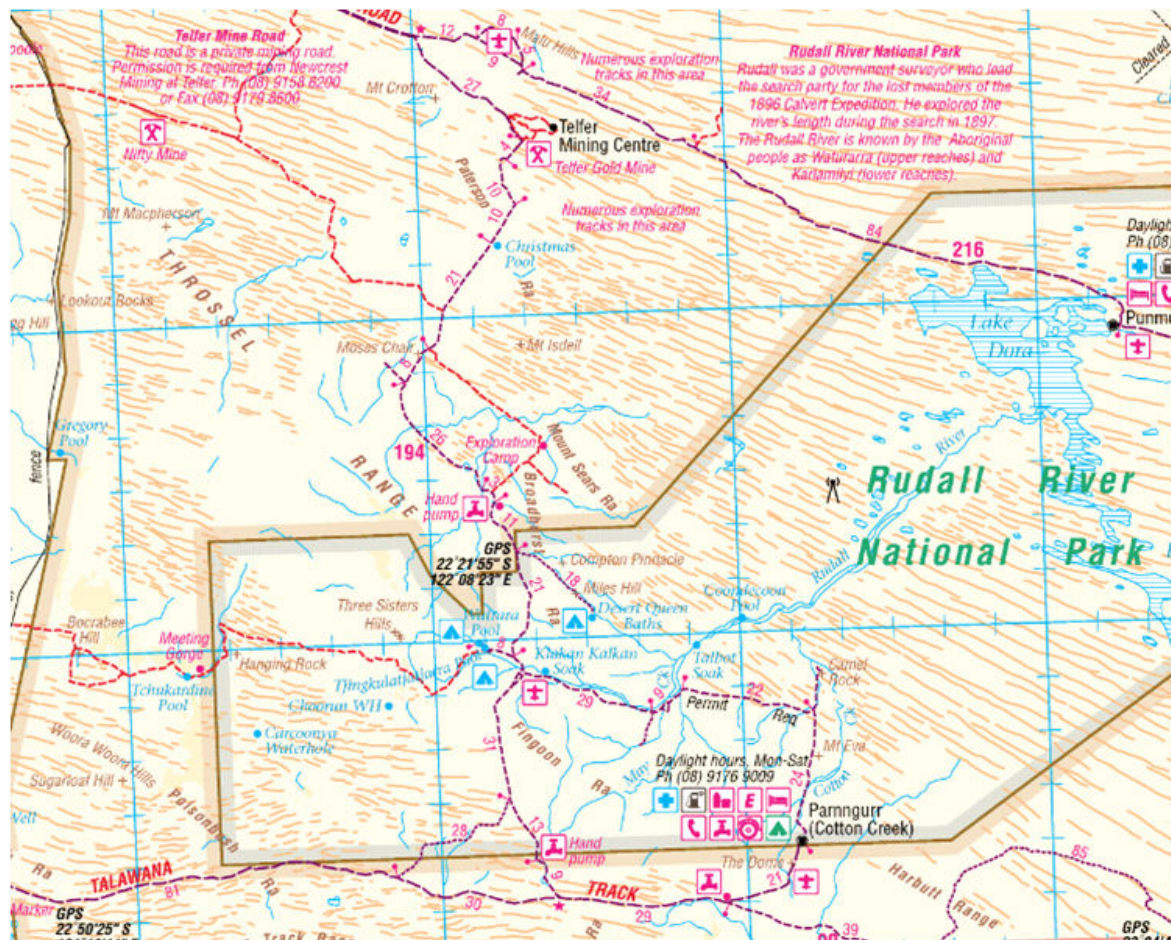
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

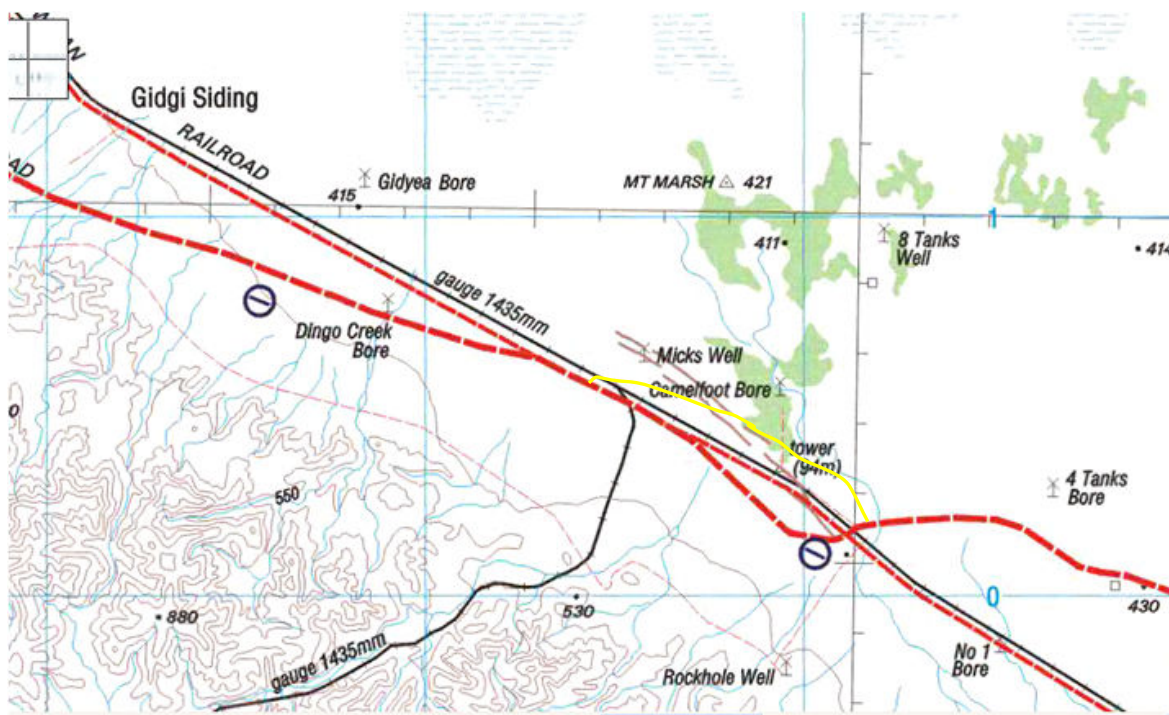
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

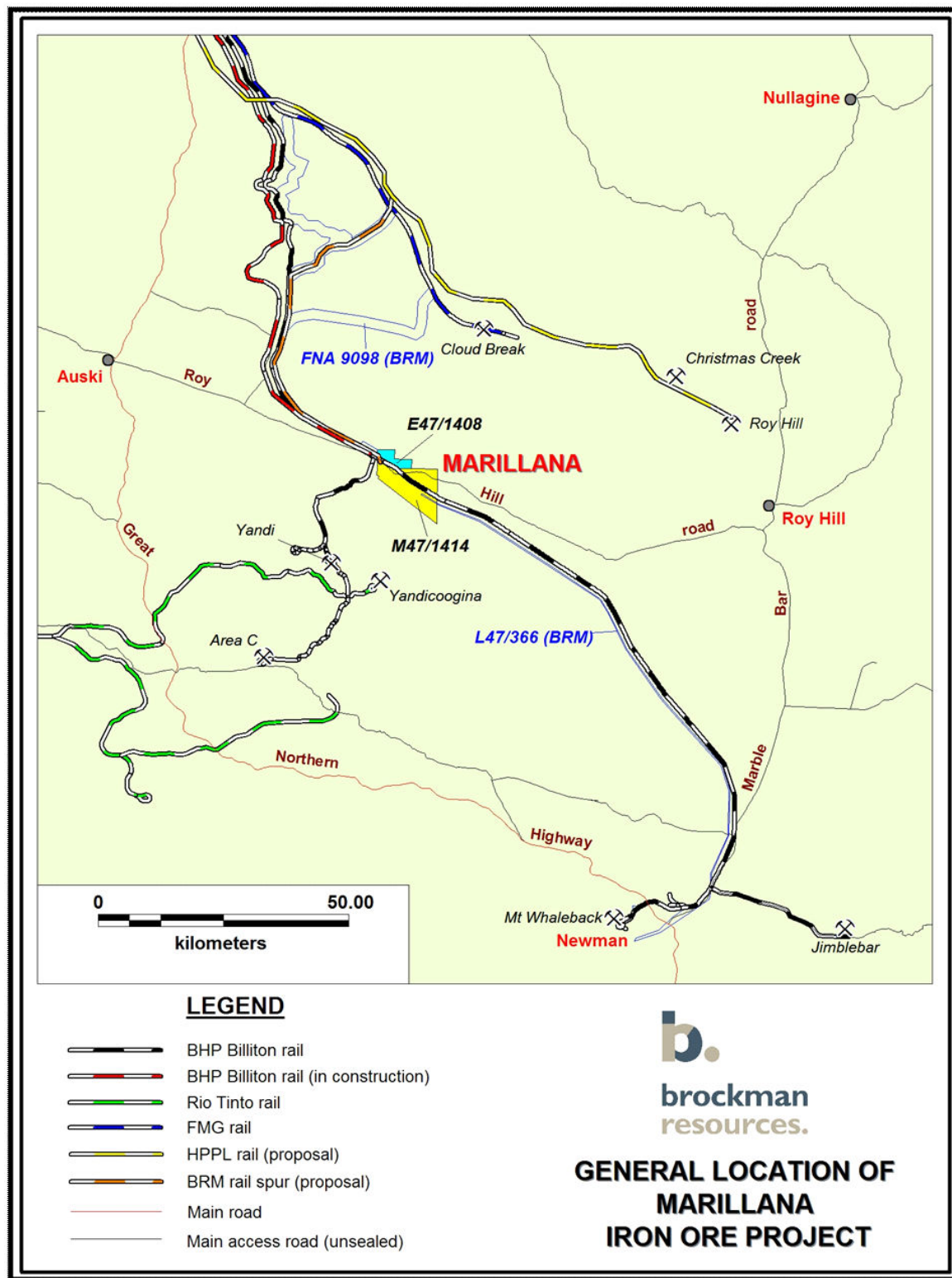
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



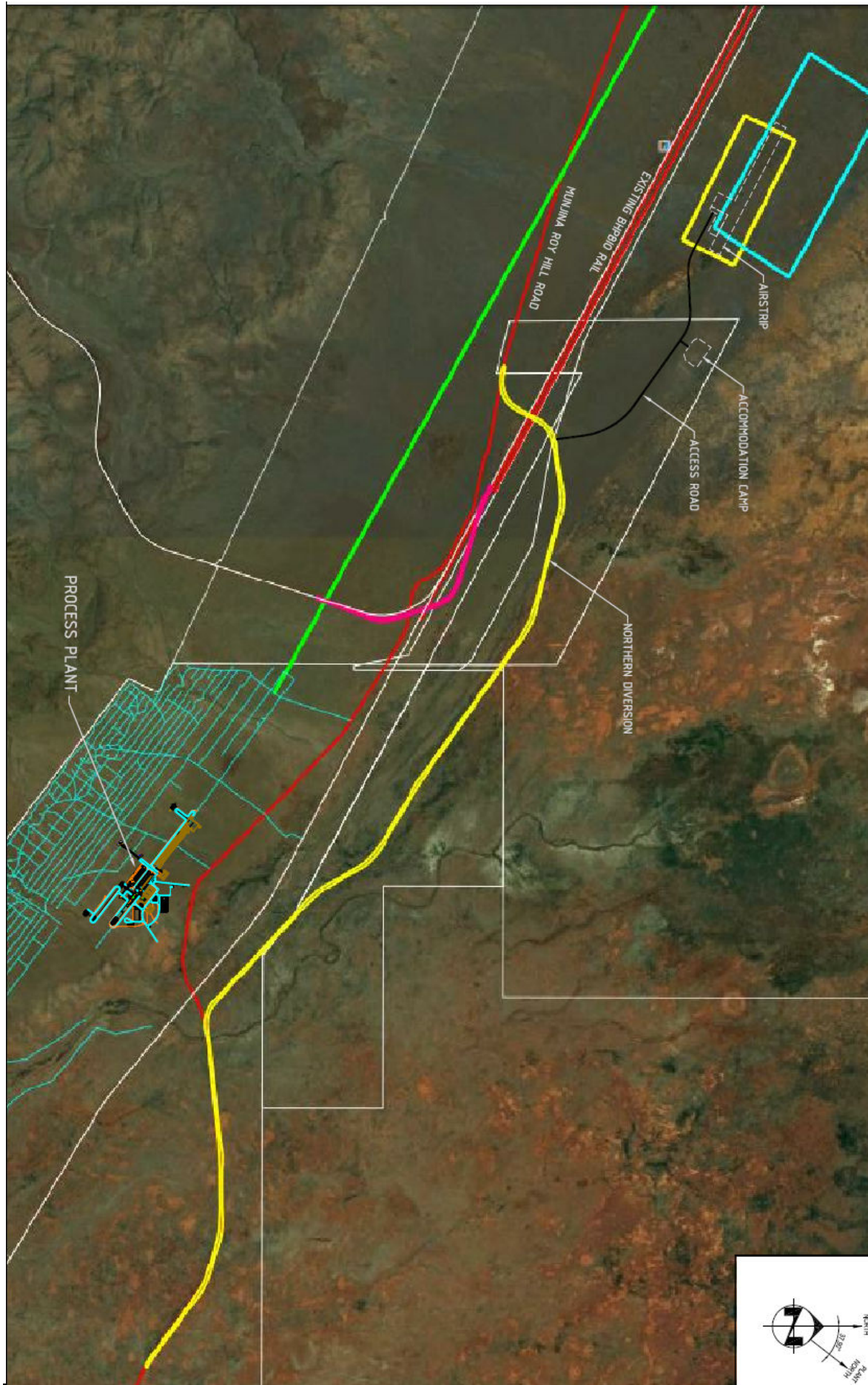
Approximate proposed new alignment shown in yellow.

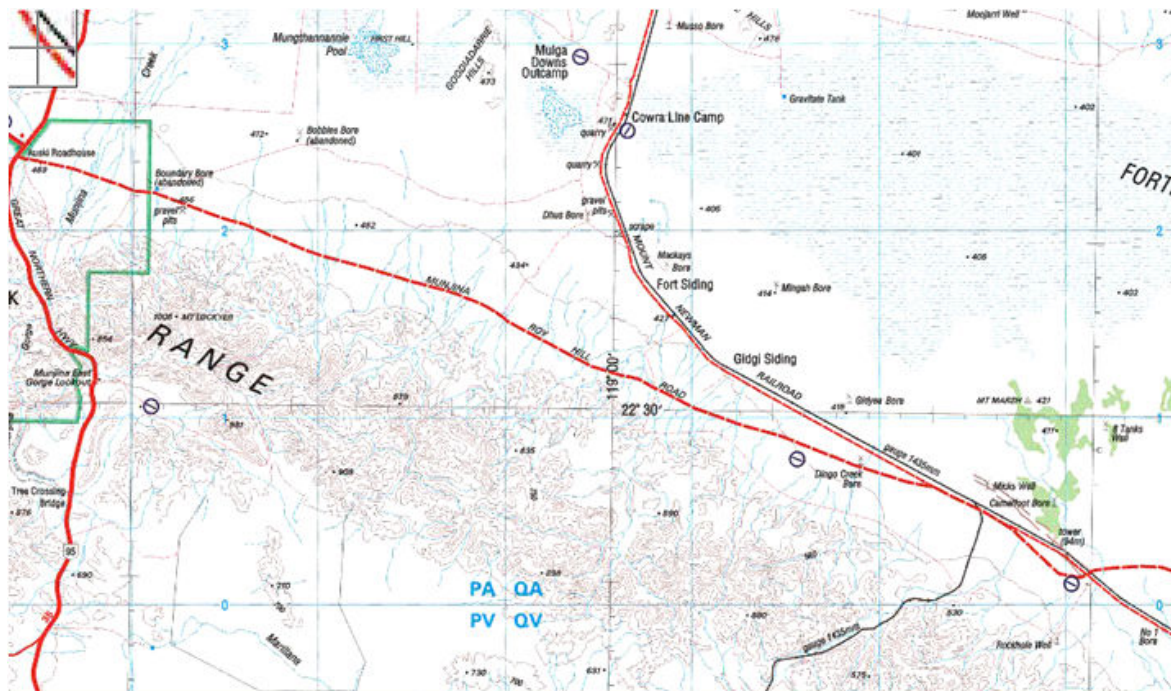
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS.....	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11).....	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community**
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

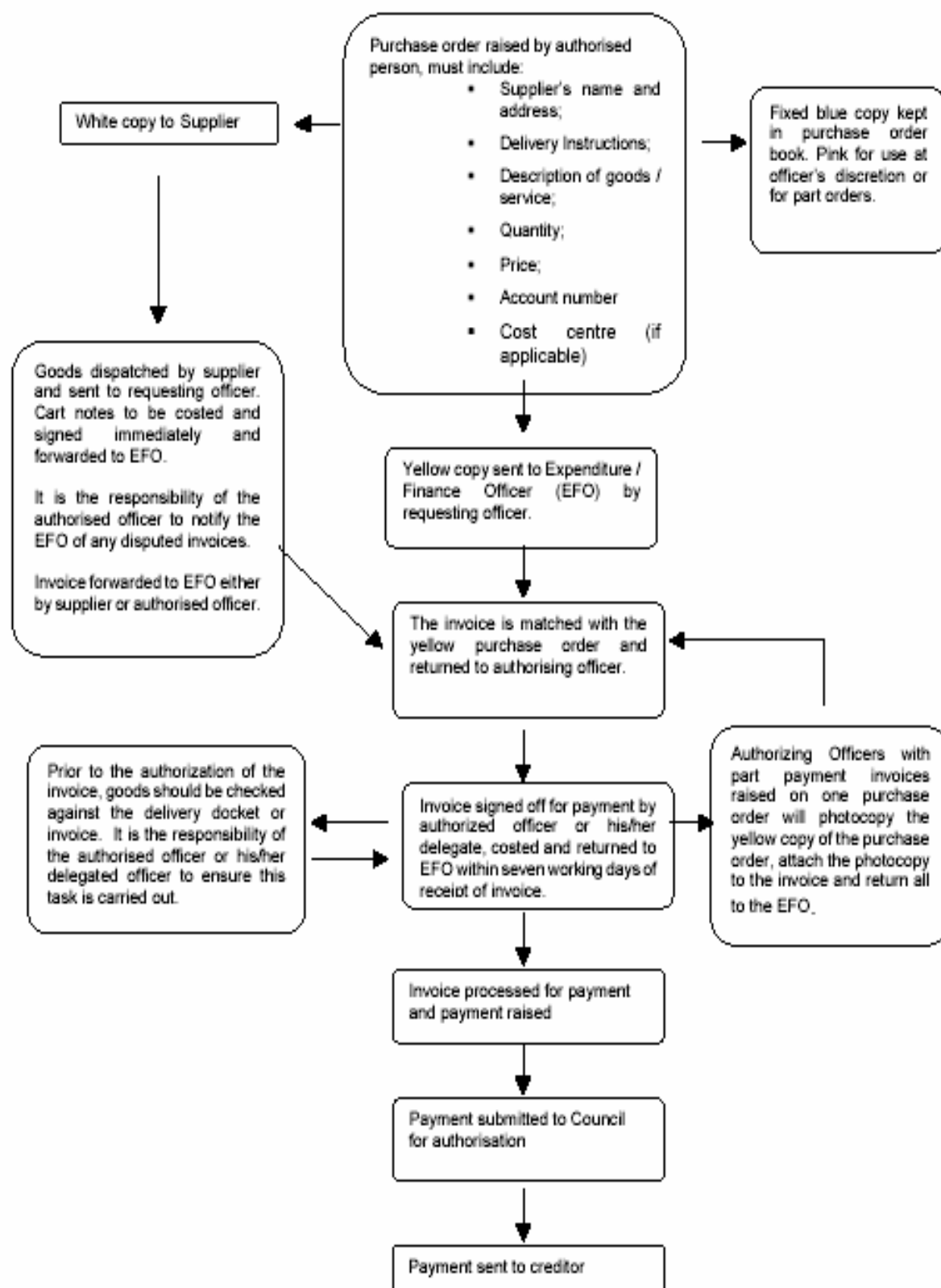
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

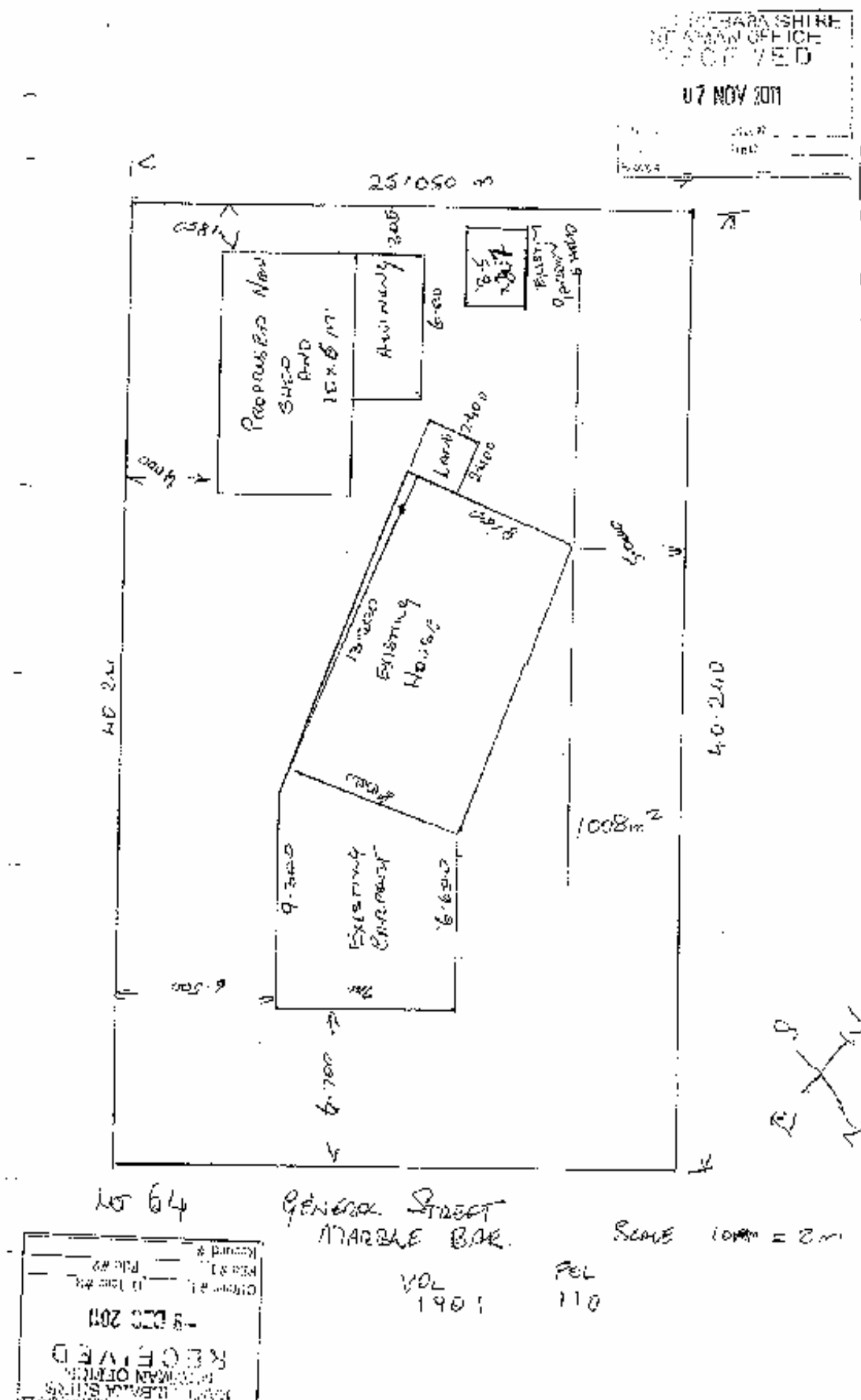
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7
Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Tina Wilson
System Support Records Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory Item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles.</p> <p>Technical Services to follow up.</p>			
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>CAPE KERAUDREN</p> <p>Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit.</p> <p>Executive Services to follow up.</p>	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch whining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

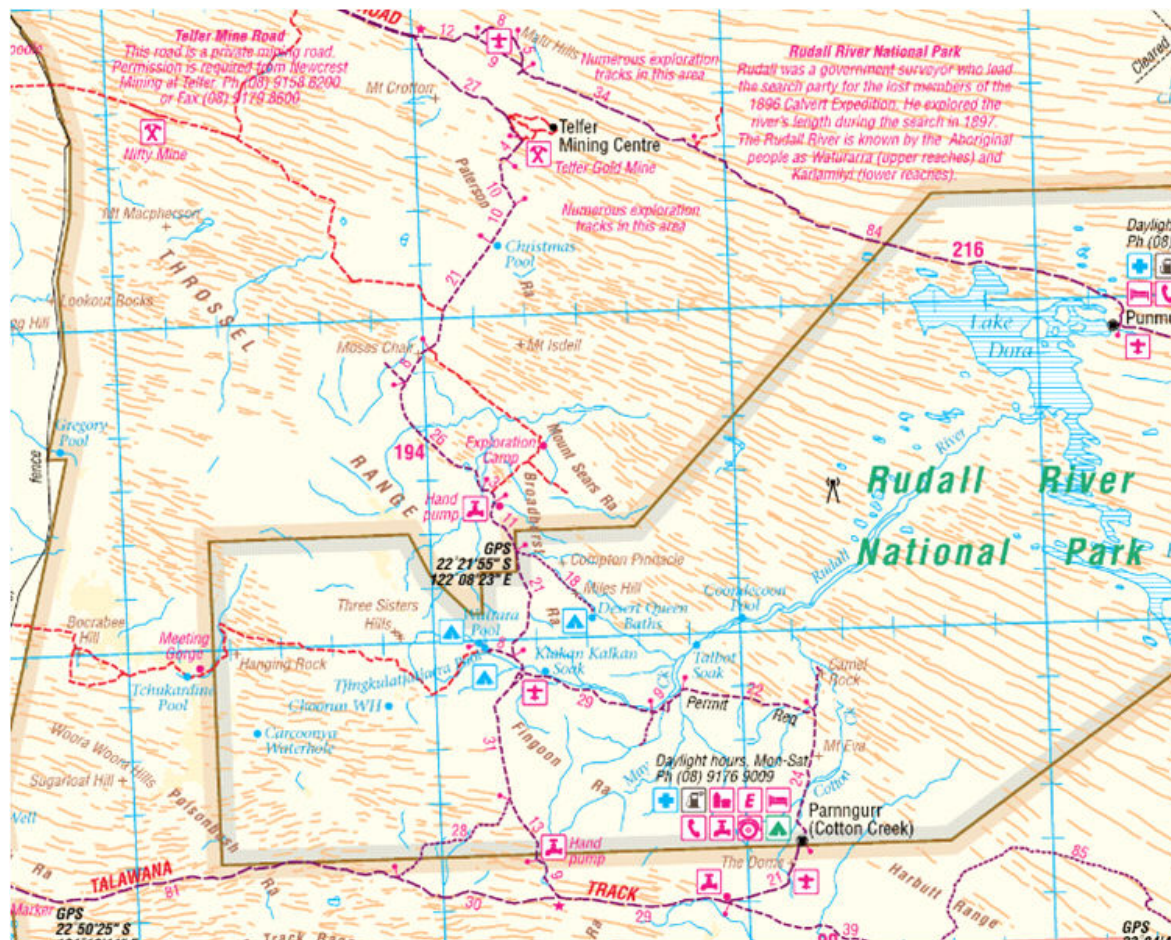
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The first 70km from the Talawana Track is not maintained on a regular basis. The Department of Environment and Conservation (DEC) have advised that funding is not available for regular maintenance and as such the current condition of this section is very poor. The track is approximately a single lane 3-4m wide sandy track with heavy corrugation which changes to undulating country with a rockier base. This section also crosses a major river (Rudall River) as well as several minor low lying flood prone areas.

The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

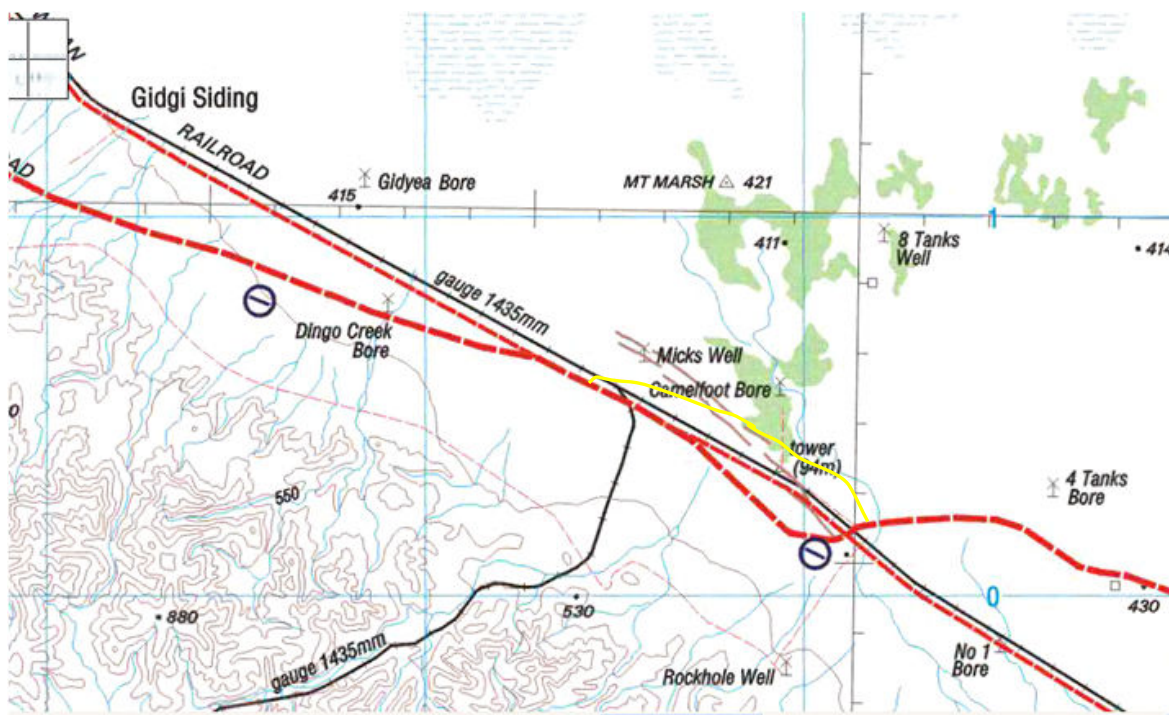
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

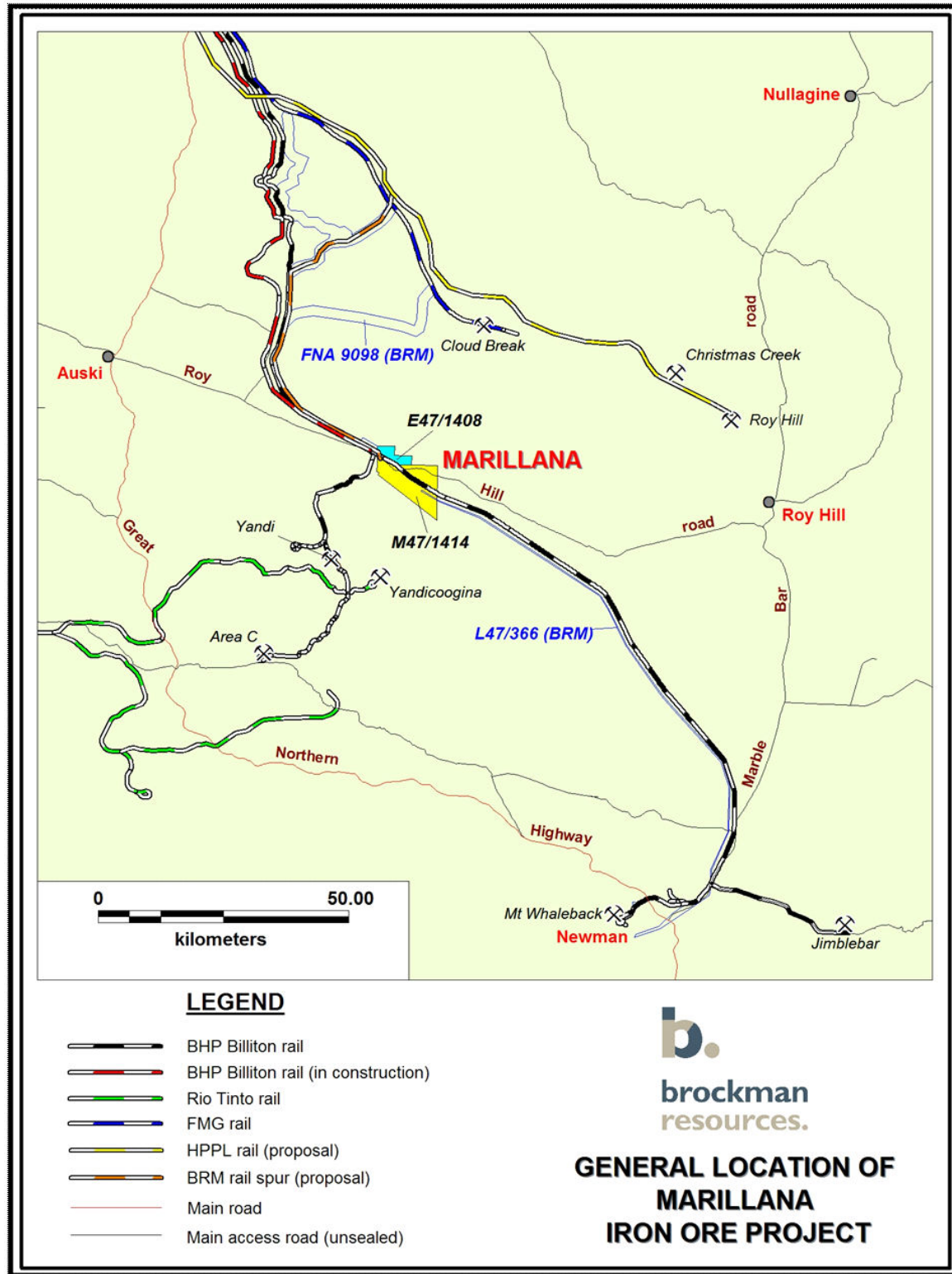
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



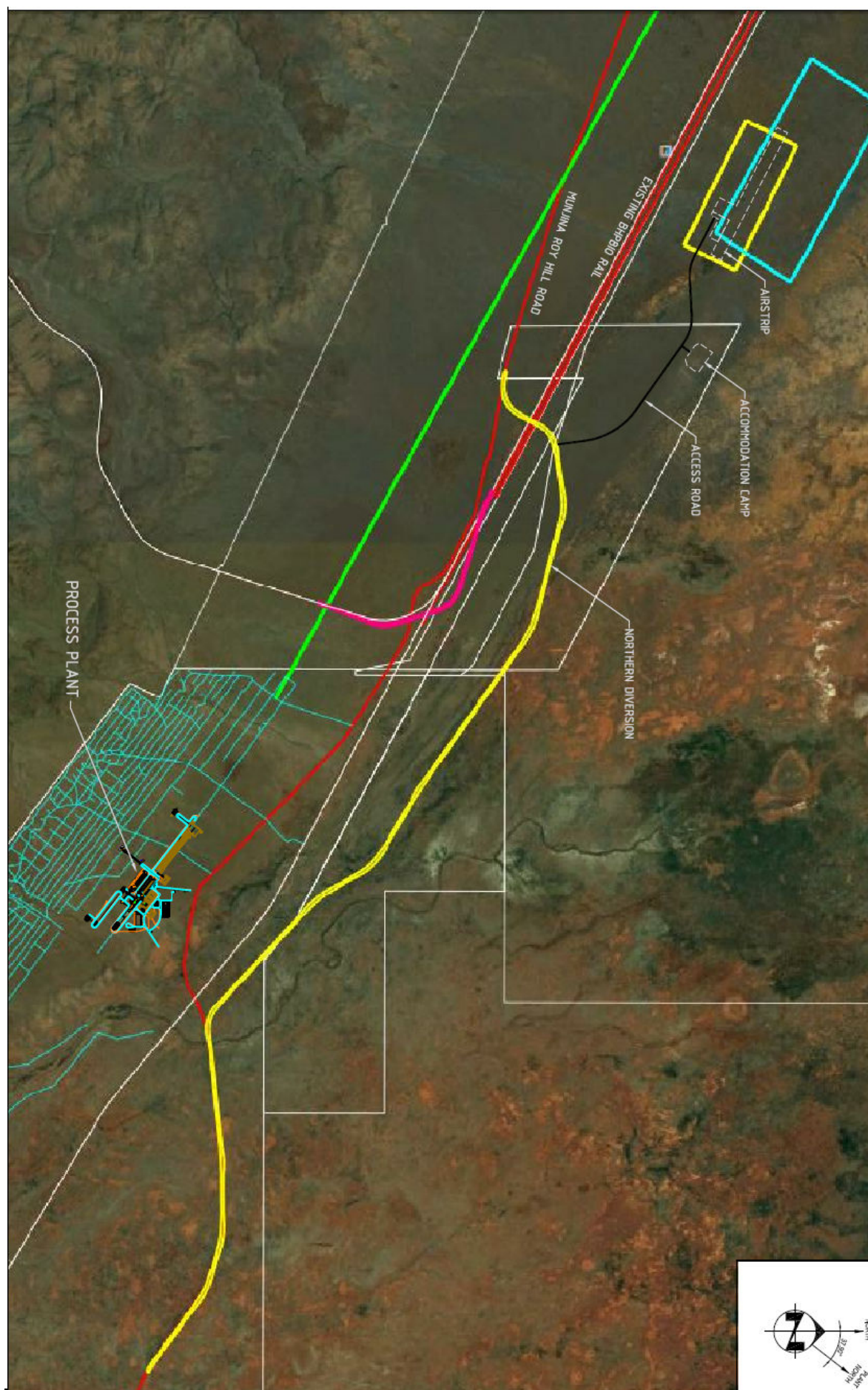
Approximate proposed new alignment shown in yellow.

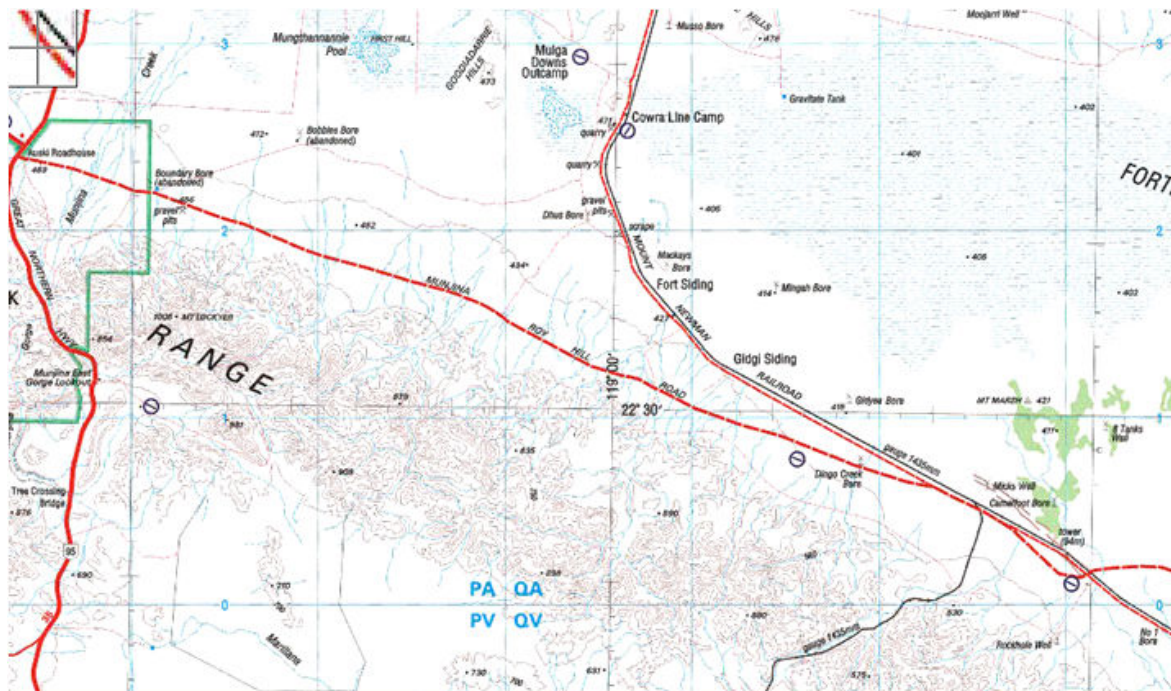
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS.....	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11).....	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community**
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No:	Item 9.1.6
Date:	27 th June 2003
	5 th May 2006
9.3.5	27 th April 2007
9.4.1	24 th July 2009
9.1.6	29 th January 2010
	11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

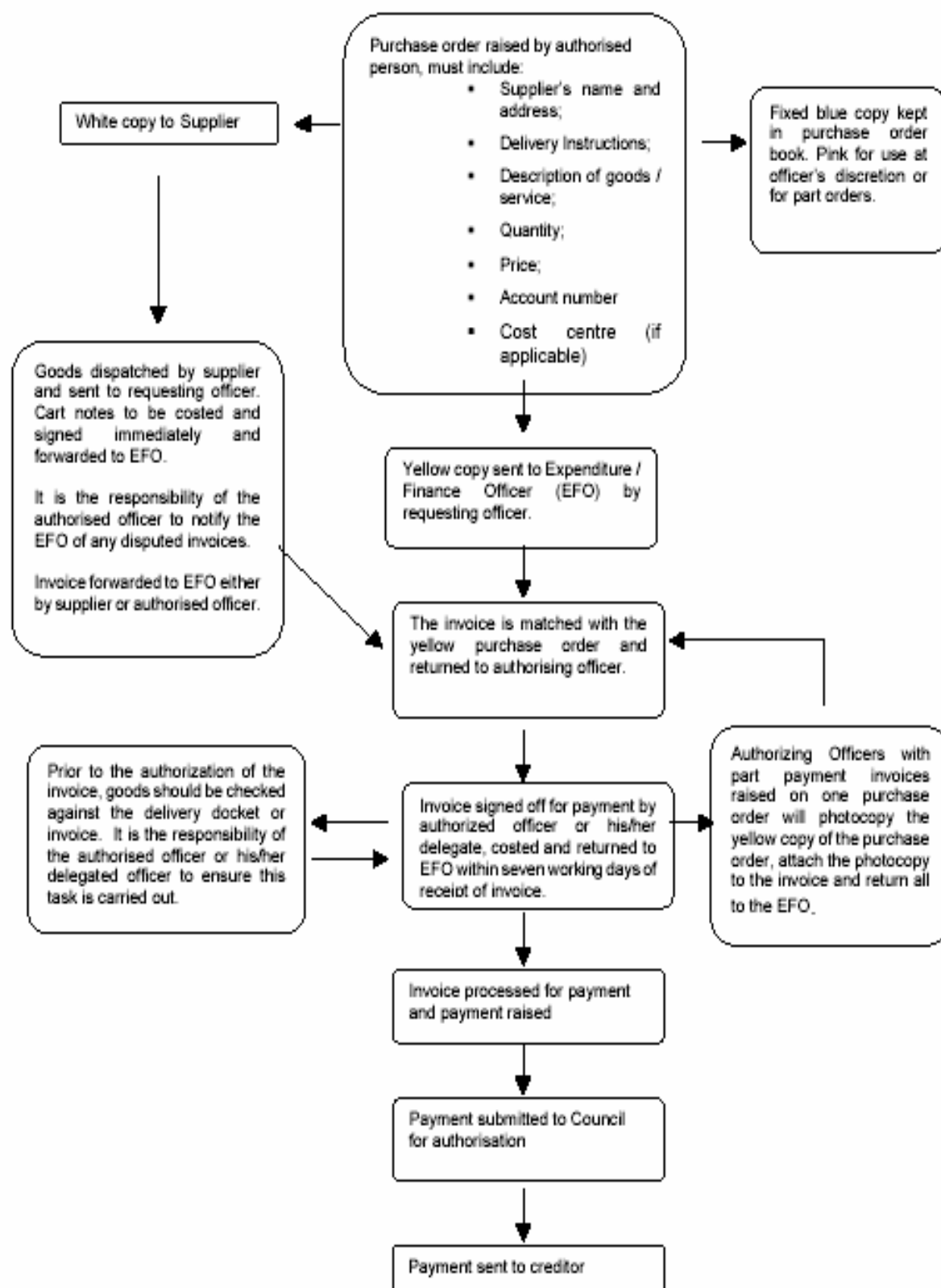
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

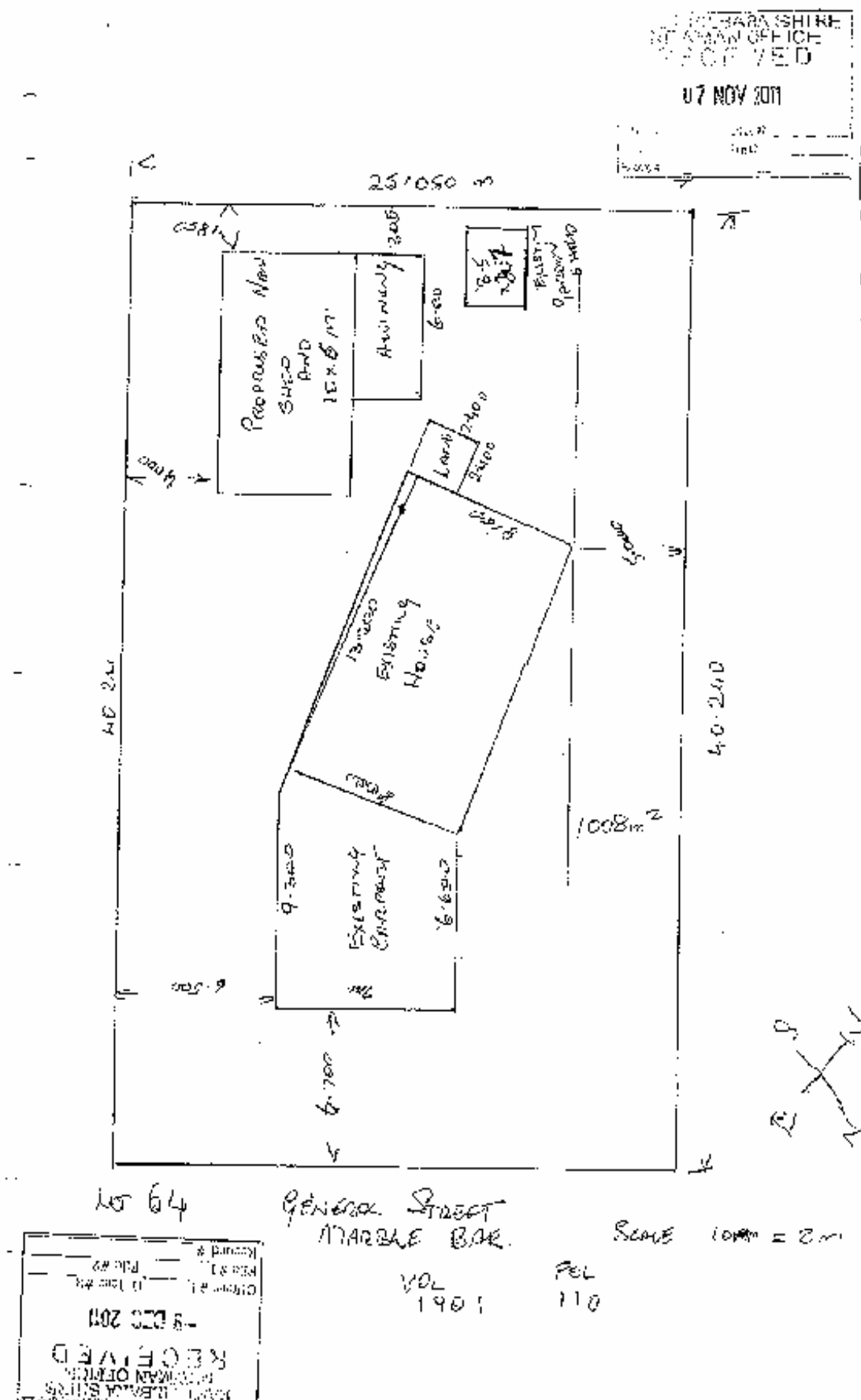
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
(a) the ordinary council meetings; and
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
(g) the giving of public notice of the date and agenda for council or committee meetings;

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7
Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Tina Wilson
System Support Records Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
---	---------------------

Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles.</p> <p>Technical Services to follow up.</p>			
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>CAPE KERAUDREN</p> <p>Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit.</p> <p>Executive Services to follow up.</p>	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch wining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

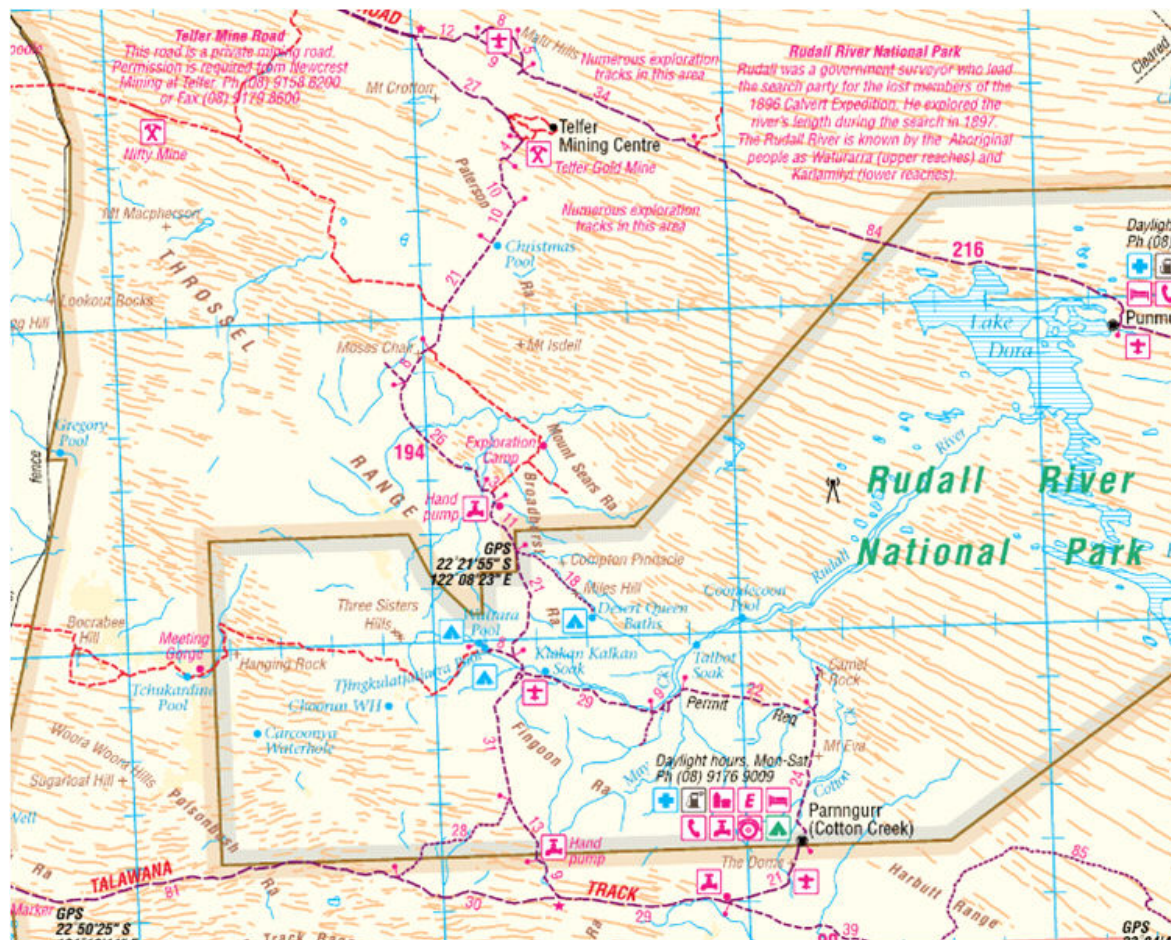
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The first 70km from the Talawana Track is not maintained on a regular basis. The Department of Environment and Conservation (DEC) have advised that funding is not available for regular maintenance and as such the current condition of this section is very poor. The track is approximately a single lane 3-4m wide sandy track with heavy corrugation which changes to undulating country with a rockier base. This section also crosses a major river (Rudall River) as well as several minor low lying flood prone areas.

The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamitji National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

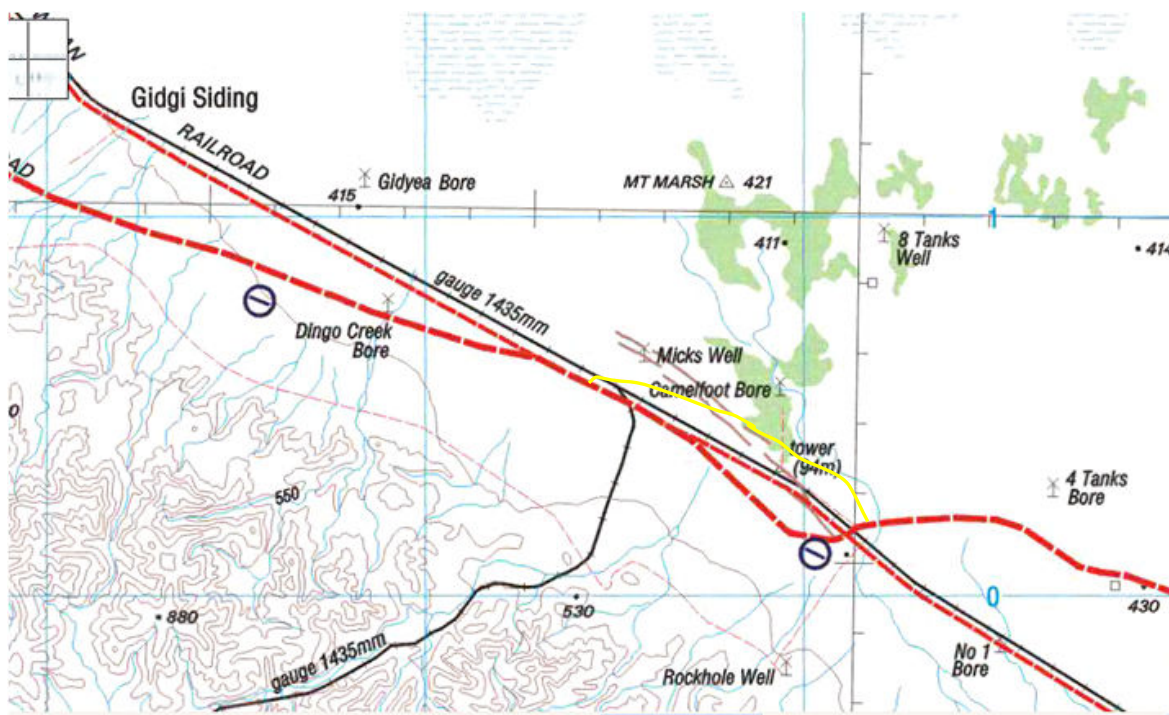
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

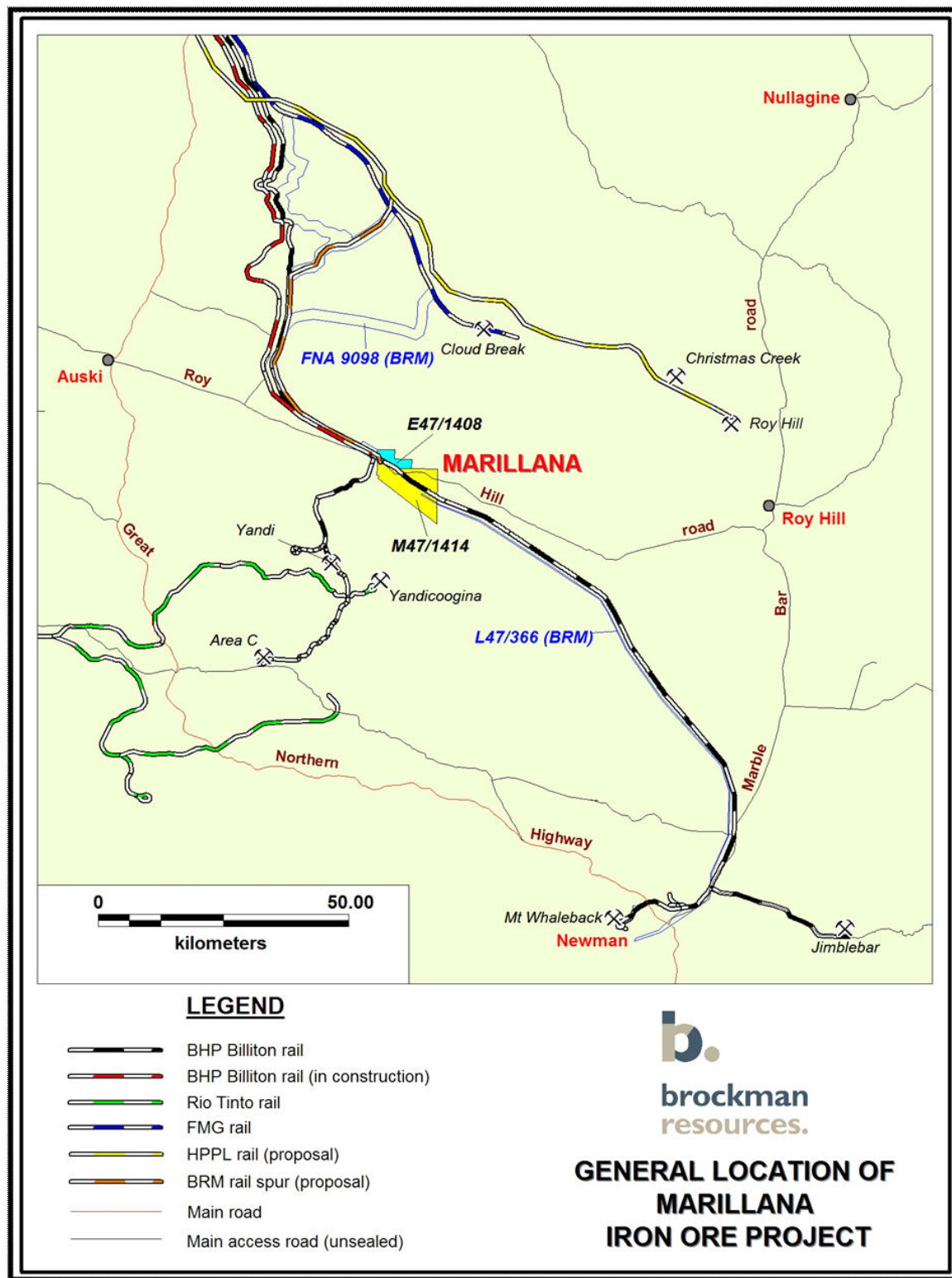
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



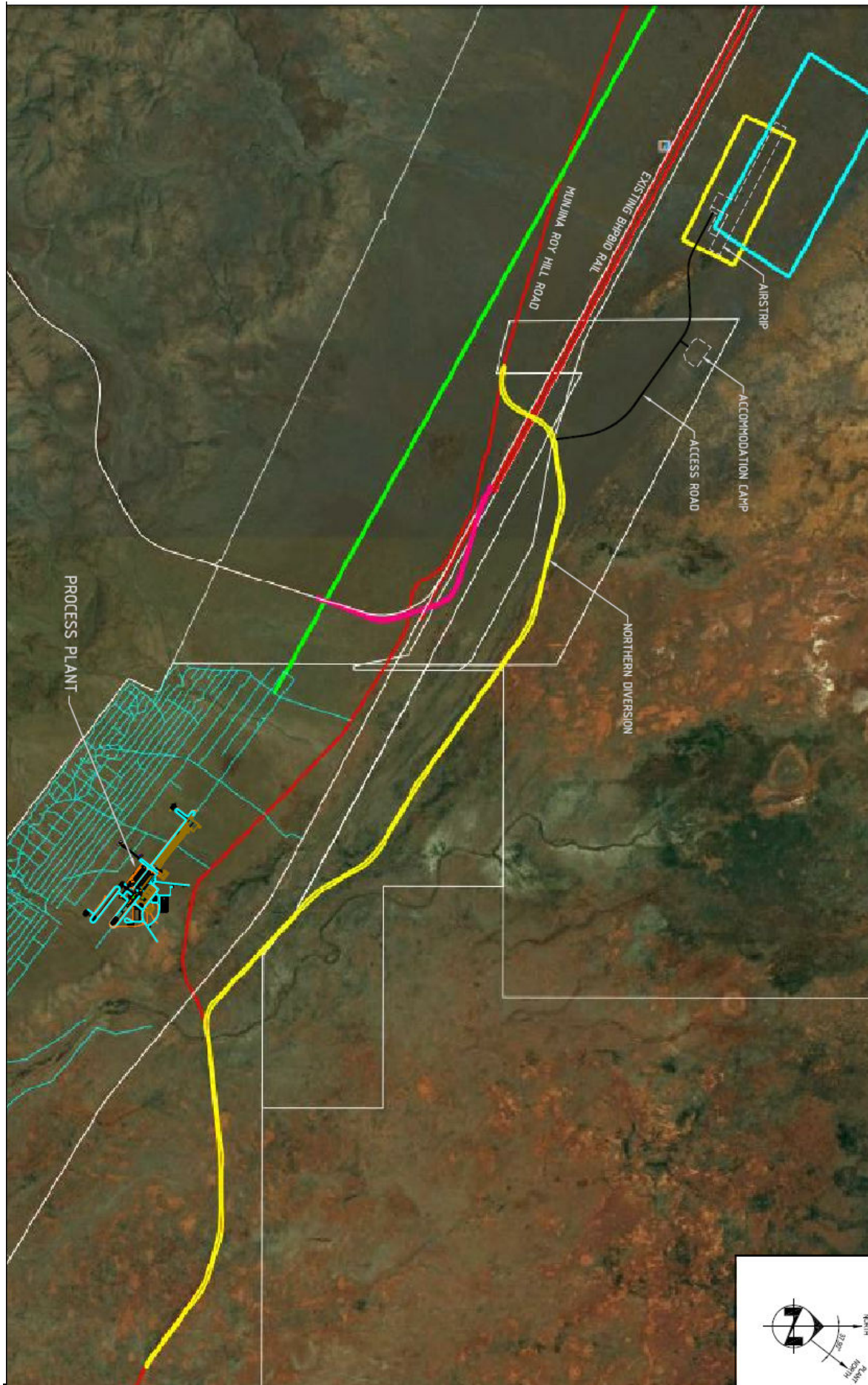
Approximate proposed new alignment shown in yellow.

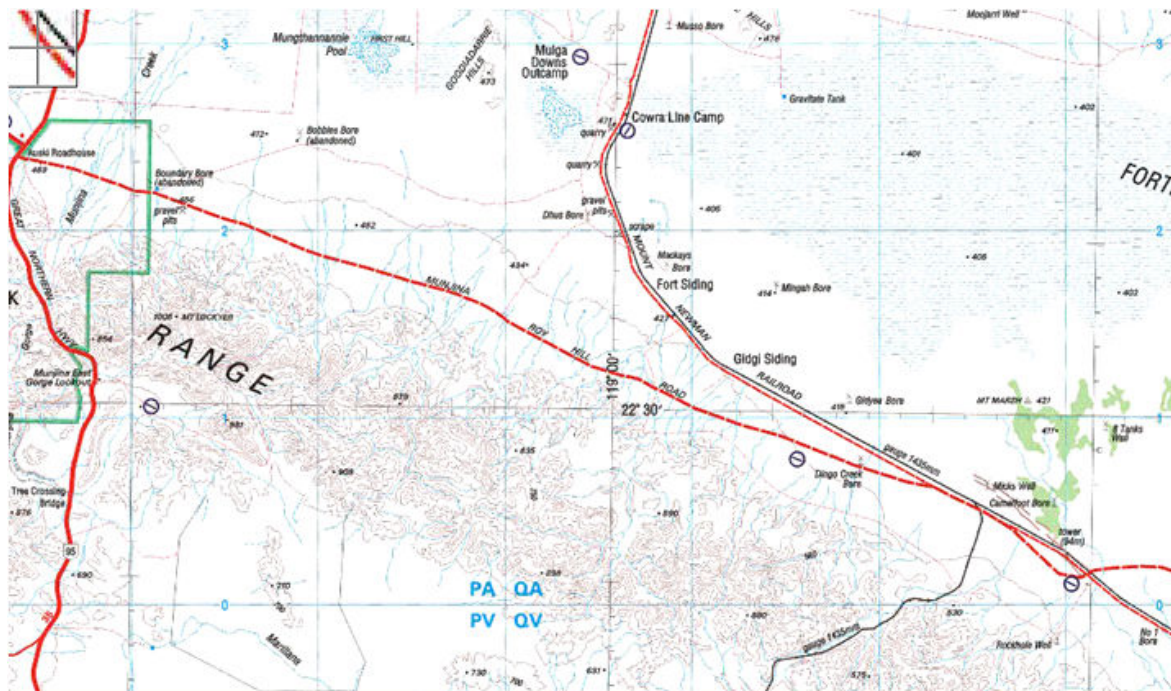
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community**
 - Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
- Lobbying and advocacy role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

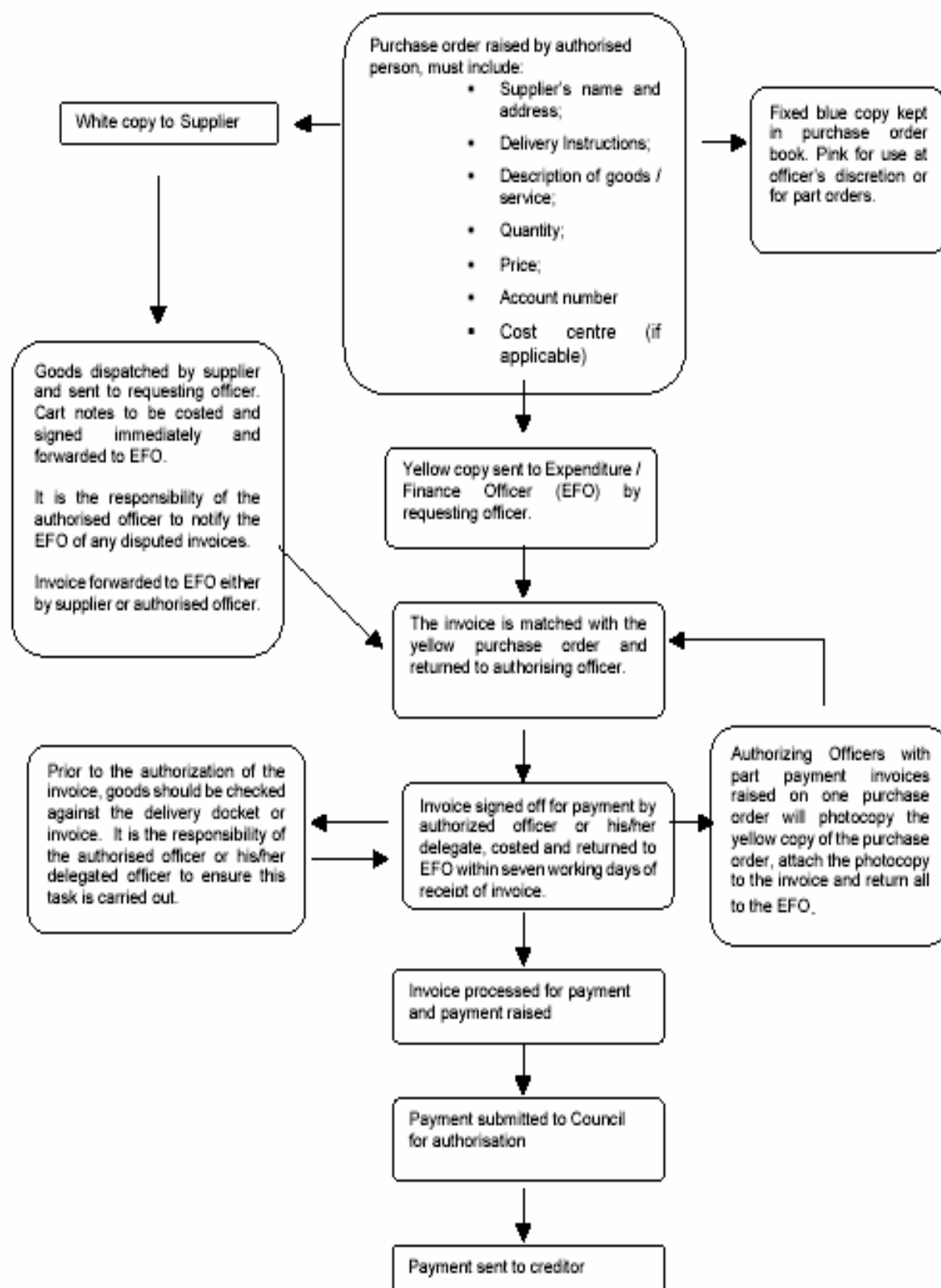
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) Local Government (Functions and General) Regulations 1996

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

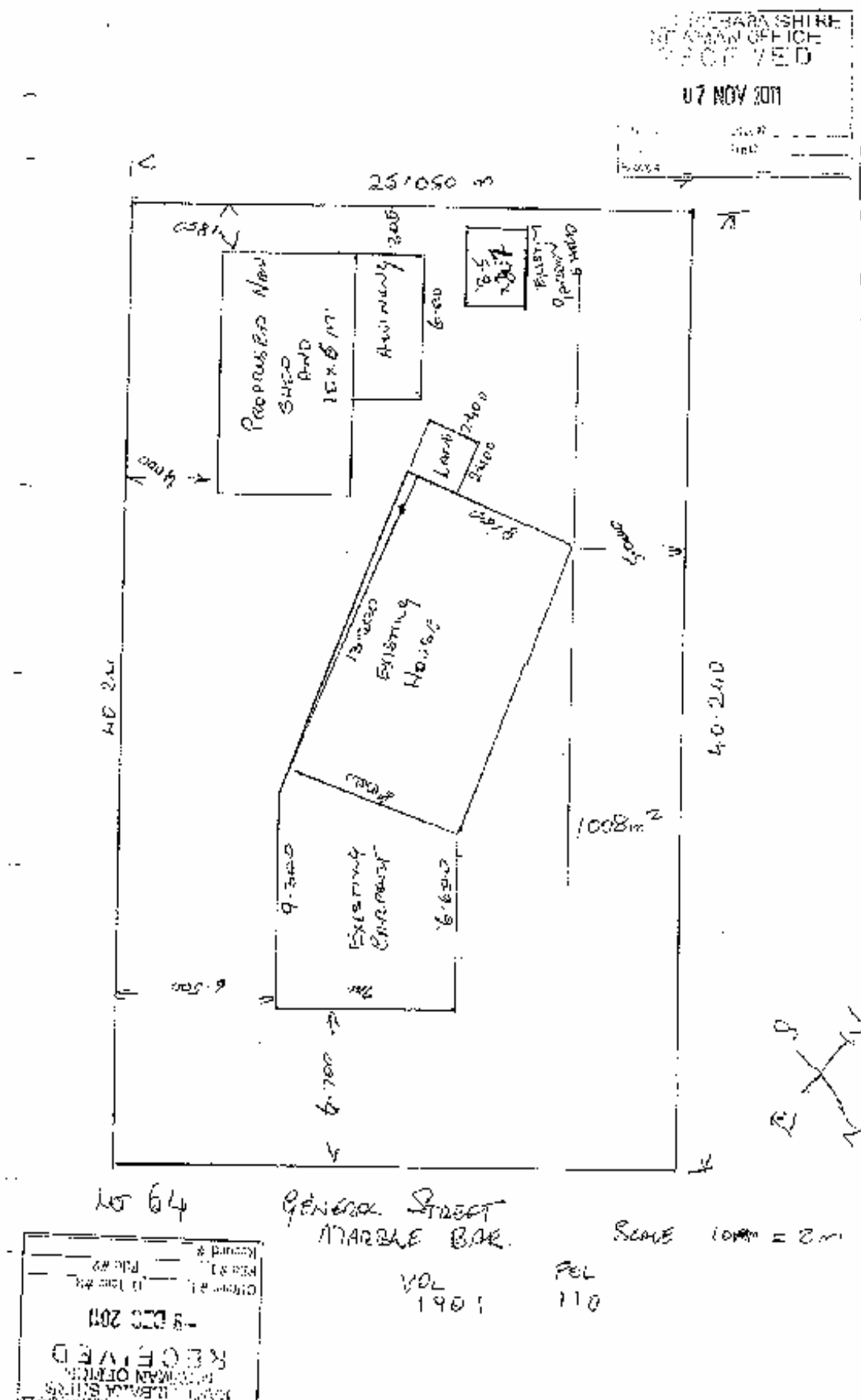
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.			
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. Technical Services to follow up.	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Executive Services to follow up.	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch wining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

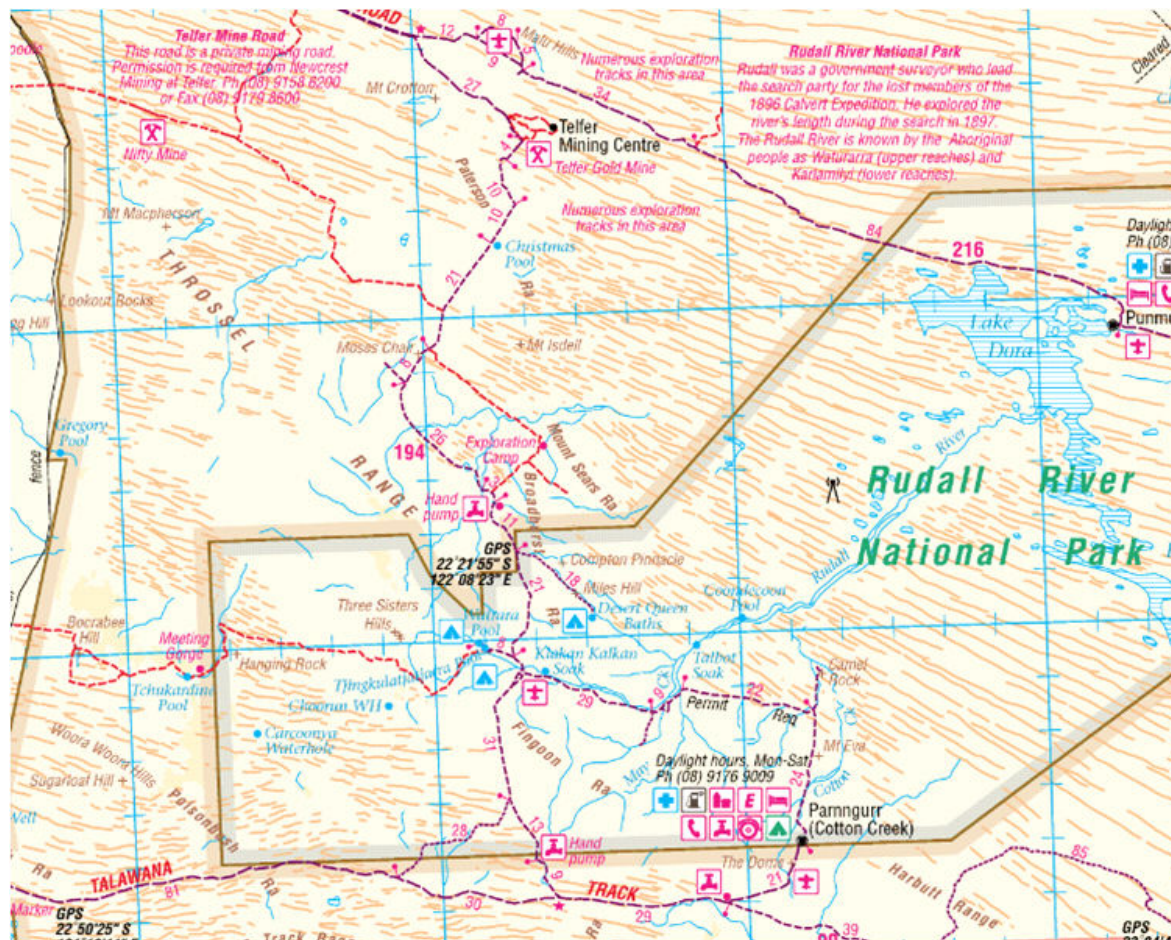
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The first 70km from the Talawana Track is not maintained on a regular basis. The Department of Environment and Conservation (DEC) have advised that funding is not available for regular maintenance and as such the current condition of this section is very poor. The track is approximately a single lane 3-4m wide sandy track with heavy corrugation which changes to undulating country with a rockier base. This section also crosses a major river (Rudall River) as well as several minor low lying flood prone areas.

The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamitji National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

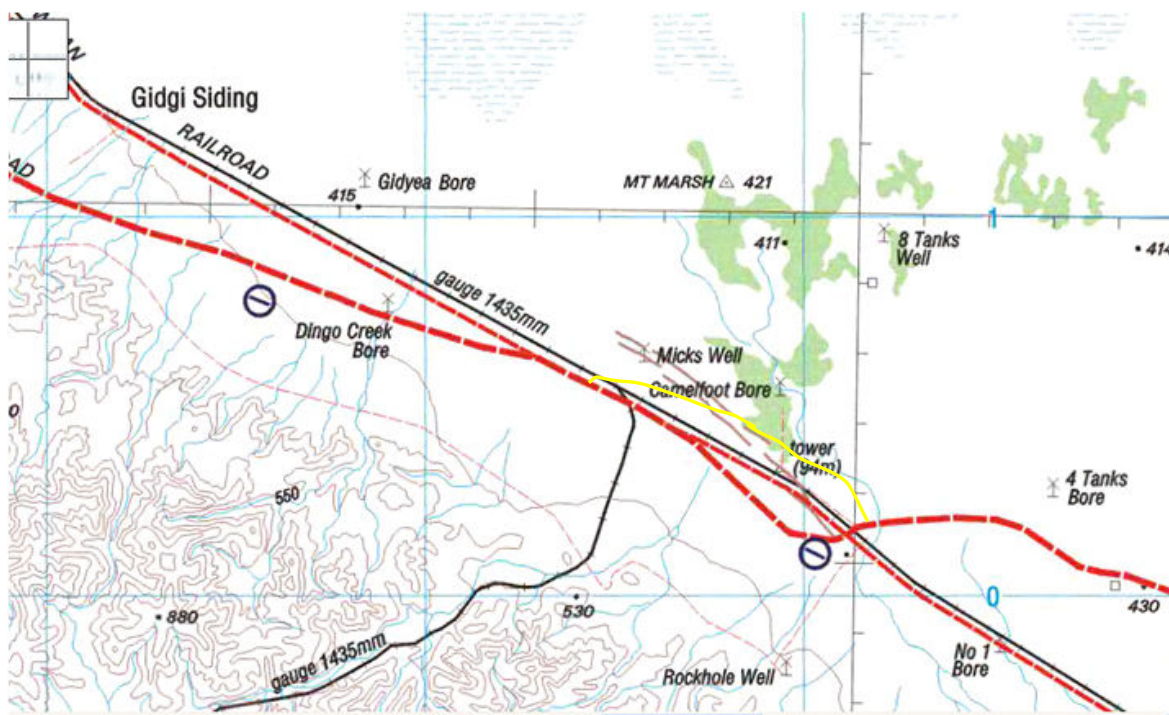
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

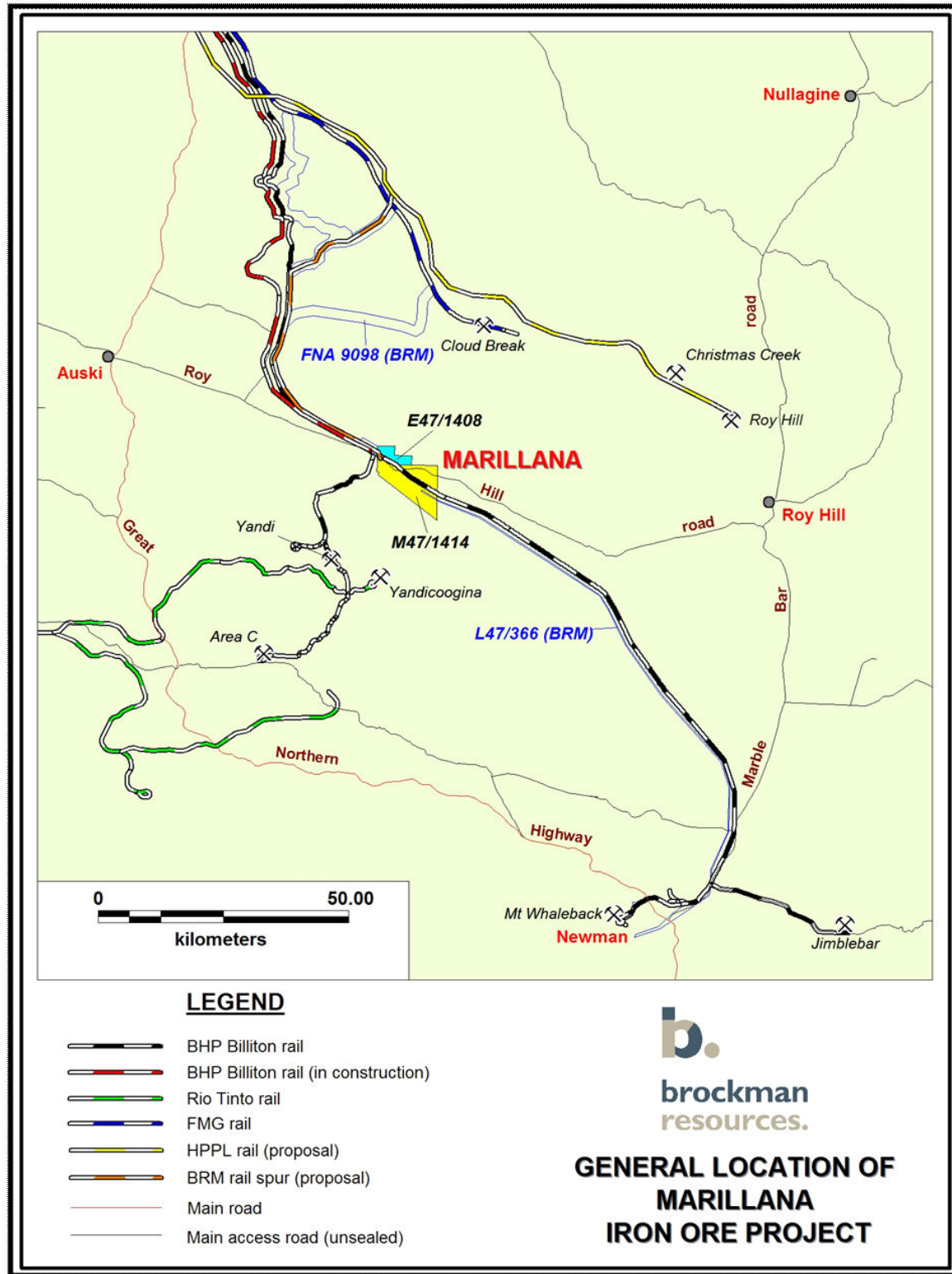
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



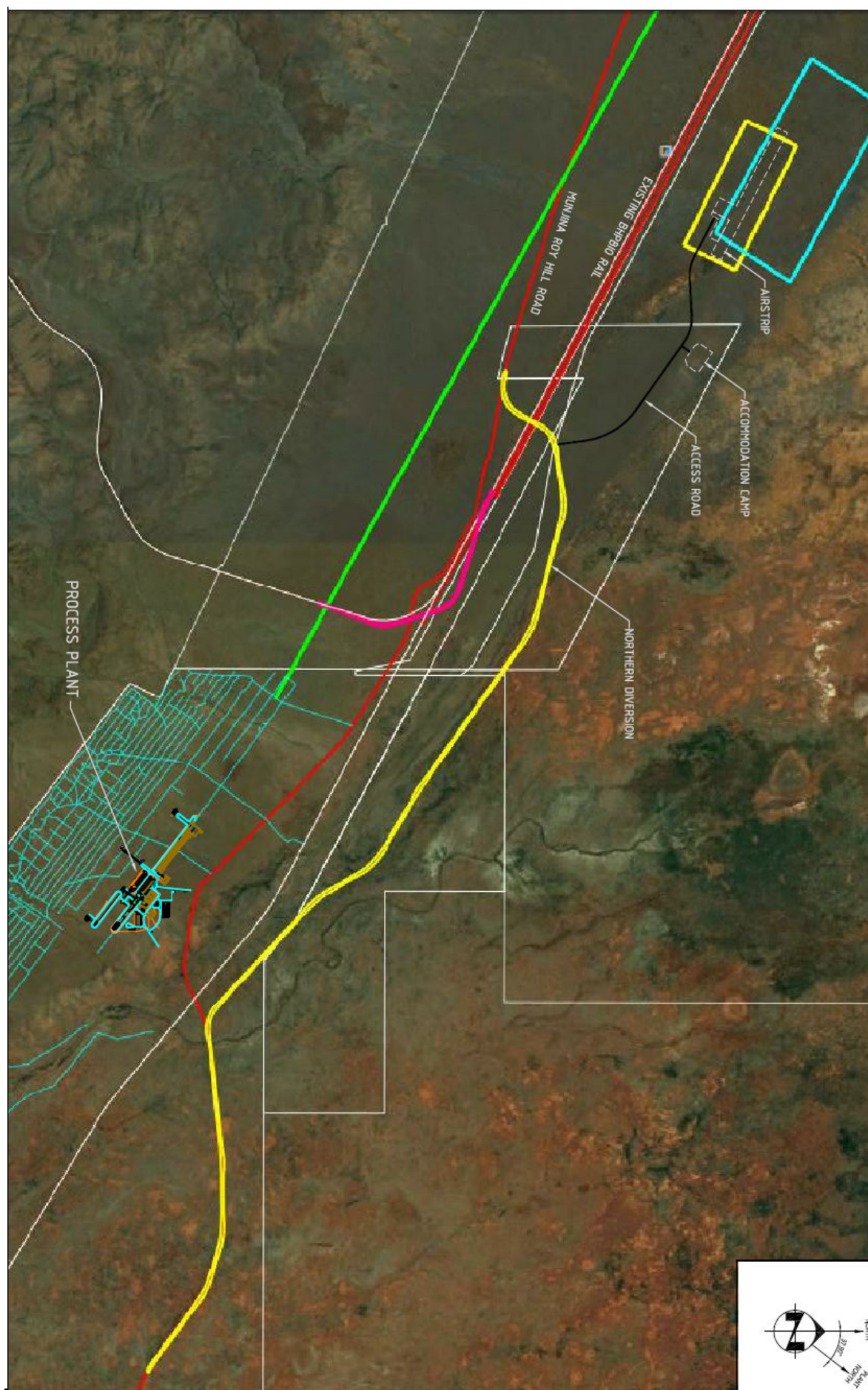
Approximate proposed new alignment shown in yellow.

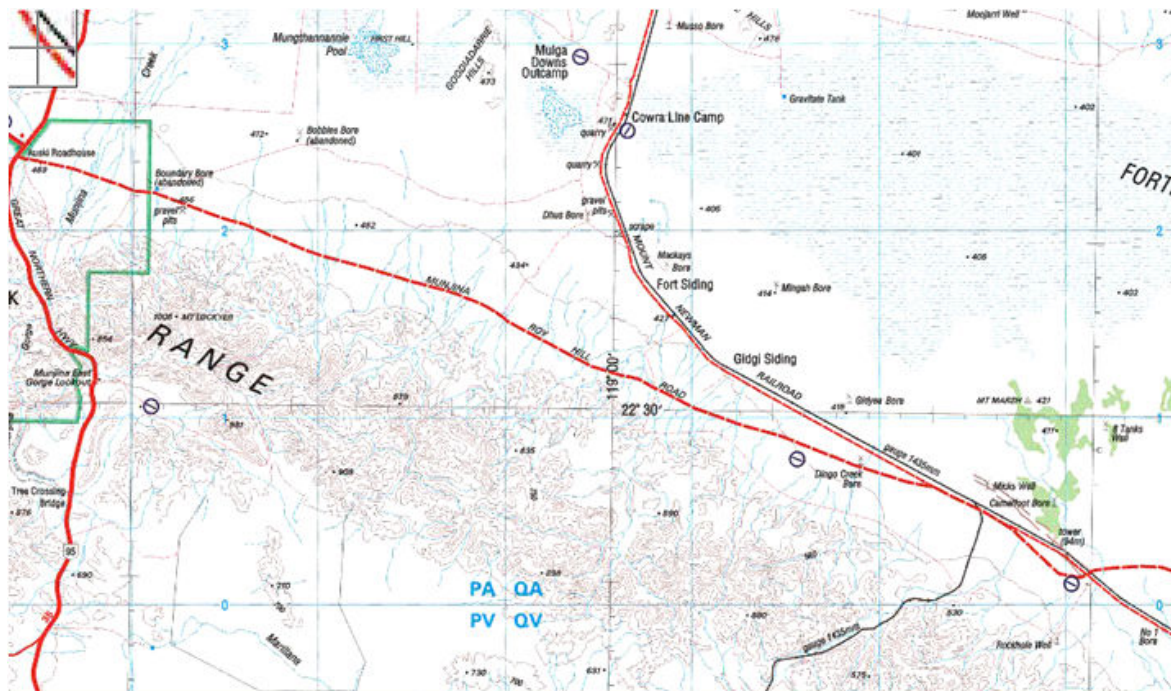
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 3 FEBRUARY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA.....	2
5.2	FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT.....	2
5.3	PILBARA REGIONAL COUNCIL (PRC) - UPDATE.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
8	MEMBERS REPORT	3
8.1	ITEMS FOR RECOMMENDATION	3
8.2	ITEMS FOR INFORMATION	3
9	OFFICER'S REPORTS	4
9.1	CHIEF EXECUTIVE OFFICER.....	4
9.1.1	EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011	4
9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	8

9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	11
9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	13
9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	17
9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	22
9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	27
9.1.8	AMENDMENT TO PURCHASING AND TENDER PROCEDURES	32
9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986	41
9.1.10	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES FACILITIES UPGRADE - NEW11_40	43
9.1.11	AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND SURRENDER OF OLD LEASE.....	46
9.1.12	AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS - CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT NEWMAN AIRPORT	49
9.1.13	NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS	52
9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	55
9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	59
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	62

9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2011	62
9.2.2	PROPOSED AUDIT COMMITTEE MEETING DATES 2012	65
9.2.3	PLAN FOR THE FUTURE OF THE DISTRICT - 2011	67
9.2.4	NEWMAN HOUSE – BUILDING RENEWAL EXPENSE	71
9.2.5	ENDORSEMENT OF LOCAL LAWS	74
9.2.6	DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME	79
9.2.7	INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN	85
9.2.8	MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011	89
9.2.9	MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011	93
9.2.10	CREDITORS FOR PAYMENT	98
9.3	DIRECTOR TECHNICAL SERVICES	102
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - DECEMBER 2011	102
9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS STAFF	105
9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	107
9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	110
9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	114
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	120
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	120
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	120
13	GENERAL BUSINESS	120
14	DATE OF NEXT MEETING	120
15	CLOSURE	120

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Ms Sian Appleton
Mrs Sheryl Pobrica

Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Ms Vicki James
Mr Simon Carter
Mr Ford Murray
Ms Shelley Pike
Ms Michelle Mackenzie
Mr Chris Dawe

Manager Community, (FMG)
Project Director, (FMG)
Manager Community Relations, (FMG)
Chief Executive Officer, (PRC)
Regional Communities, (Rio Tinto)
Manager Aboriginal Business
Development and Education, (Rio Tinto)
General Manager Hope Downs,
(Rio Tinto)
General Manager Approvals and Risk
Management, (Rio Tinto)
General Manager Hope Downs
Operations, (Rio Tinto)

Mr John Dumbill

Mr Tim Eckersley

Mr Jacques Van Tonder

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

Cr Shane Carter

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO – ACTIVITIES IN THE SHIRE OF EAST PILBARA

Ms Michelle Mackenzie, Regional Communities, Mr Chris Dawe, Manager Aboriginal Business Development and Education, Mr John Dumbill, General Manager Hope Downs, Mr Tim Eckersley, General Manager Approvals and Risk Management and Mr Jacques Van Tonder, General Manager Hope Downs Operations from Rio Tinto will provide a presentation on the activities of Rio Tinto in the Shire of East Pilbara, with particular reference on the Hope Downs 4 Project.

5.2 FORTESCUE METALS GROUP (FMG) – NYDINGHU PROJECT

Ms Vicki James, Manager Community, Mr Simon Carter, Project Director and Mr Ford Murray, Manager Community Relations from Fortescue Metals Group (FMG) will provide a presentation on the Nydinghu Project.

5.3 PILBARA REGIONAL COUNCIL (PRC) - UPDATE

Ms Shelley Pike, Chief Executive Officer will be presenting an update to Council on the Pilbara Regional Council's activities.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 16 2011 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 16 December 2011, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2011

File No: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Executive Services report for December 2011 be received.

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	Advertising commenced finishes 29.07.2011	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecue's can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	Jan 2012
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
26 August 2011	13.2	LIGHTING AT BBQ – CIVIC CENTRE CR SUE OWEN ASKED IF LIGHTING CAN BE INSTALLED AROUND THE BBQ AREA AT THE CIVIC CENTRE. MANAGER BUILDING ASSETS TO FOLLOW UP.	MBA		Completed
23 September 2011	11.4.1	CHANGE OF PURPOSE - CHILD CARE CENTRE FOR COMMUNITY HOUSING.	MDS-P	Letter received by RDL	
28 October 2011	11.1.13	TOWN PLANNING SCHEME NO: 4 AMENDMENT - (NO: 15) - PROPOSED TO REZONE PORTION RESERVE 39519 TO SPECIAL USE ZONE	MDS-P	Forwarded to Minister for approval	Feb 2012
28 October 2011	13.4.1	TENDER 3/2011-12 CONSTRUCTION OF BOOMERANG SPORTS FACILITY, BE ACCEPTED AS AGENDA ITEM 13.4.1	MBA	Order Issued	
28 October 2011	13.5.1	TENDER 4/2011-12 SPORTS FIELD LIGHTING CAPRICORN /BOOMERANG OVALS	MBA	Order Issued.	

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	9.1.9	PLANNING APPLICATION PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET FOR	MDS-P	Advertised – 01/02/2012	March 2012

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author is incumbent

REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

BACKGROUND

It is a compliance requirement of the Local Government Act and the Local Government (Administration) Regulations that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform the review by Council. In either case the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
-

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Salaries are budgeted for in account 41127 "Salaries & Allowances (Gov)". A budget amount of \$1,476,500 was provided for 2011/2012 and this allows for any award increases and other adjustments such as remuneration reviews.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer**
- 2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.**

9.1.3 2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File No: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2012.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Thursday 2nd August and Friday 3rd August 2012. The format of the 2012 convention has been revised; please note that the WALGA (AGM) Annual General Meeting will take place on Wednesday 1st August at the PCEC. The Planning Committee is also looking into the possibility of organising field trips for Saturday 4th August for those who may be interested.

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

It is usual that Pilbara Regional Council (PRC) meeting will also be scheduled in Perth to coincide with the WA Local Government Convention and Trade Exhibition, normally it is held the day before, Wednesday 1st August 2012, to be confirmed.

In 2011, 8 Councillors attended the event. Councillors also attended a number of training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3** Establish a range of Partnerships that add value to our services and supports the needs of the community
Lobbying and advocacy role
How funded – Municipal Funds and funding opportunities
Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

The cost of attendance at this conference is budgeted for each year for Councillors under account number GL#41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL#41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer attend the WA Local Government Convention and Trade Exhibition 2012 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.4 QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.

File No: ADM 14-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2012 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 1st October 2012.

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

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2012 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 24th February 2012 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2012 have been set as;

- Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*
- (2) A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

POLICY

Council Supported/Recognised Events of Community Interest

Minute No: 11.1.4

Resolution No: 200708/116

Date: 30 November 2007

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources, with which to support events within the Shire. Therefore, it is imperative to recognise community events, which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August.

Australia Day 26th January.

ANZAC DAY 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval – Fortescue Festival

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

Australia Day 26th January.

ANZAC Day 25th April

Free use of Marble Bar Civic Centre for:

Marble Bar Race Ball

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January.

ANZAC Day 25th April

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 *Cultural*

2.2 Continue to provide a range of recreational programs and facilities

2.3 Ensure that there continues to be a number of events in the three towns.

FINANCIAL IMPLICATIONS

No financial implications apart from minor advertising costs.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the Department of Commerce be advised of the following alternative dates for the Queens Birthday holiday 2012.

- 1. Monday 9th July 2012 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 20th August 2012 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.5 EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE

File No: A300163
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine.

BACKGROUND

Council has received several requests by a number of persons interested in leasing the Nullagine Caravan Park.

The Nullagine Caravan Park has been previously lease until 2001. At the Council Meeting on 28th September 2001 the resolution states

THAT

- i) Council writes to the current lessee and give them one months notice to vacate the premises.*
- ii) Council staff manages the day to day operations of the park in the short term whilst the upgrade works are undertaken.*
- iii) Council approve the Director Technical Services to advertise for a new lessee and negotiate a new lease when a suitable applicant is located*

The Shire of East Pilbara has employed a caretaker whom works 42 hours per fortnight, duties include, bookings, receipting of payments, cleaning and maintenance for the facility.

Since 2001 the Nullagine has received upgraded toilet facilities, new site pads installed, electrical compliance work completed and general maintenance.

The 2010-11 Council Budget for the Nullagine Caravan Park expenditure \$95,520.60 and the income received was \$43,428.05

COMMENTS/OPTIONS/DISCUSSIONS

To seek Council approval to advertise for Expressions of Interest for the lease of the Nullagine Caravan Park, Nullagine.

Conditions to consider for the lease agreement

- The lessee will be responsible for all outgoings
- The lessee will be responsible for all maintenance of the premises
- The lessee must comply with all planning, building and regulatory requirements.
- The term of the lease being 5 years with an option of 5 years
- Payment contribution.
- Use of land is only permitted as a Caravan Park, no other commercial business can operate from the premises.
- The lessee to provide Public Liability to Council
- Council has the right to inspect the premises to determine whether the Tenant is complying with it's obligations under the lease agreement.
- The lessee is responsible for the preparation, executing and documentation of the lease agreement.
- The lessee/lessor is responsible for the building insurance for the premises

Additional terms and conditions can be negotiable with the successful applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 3 - Functions (Division 3 - Executive functions) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 70)

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquility of the Shire is not destroyed, affected or diminished.
- (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
- (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.

- (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
- (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
- (f) To carry out direct promotion of tourist facilities and events where appropriate.
- (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
- (h) To foster and create a community awareness of the benefits of tourism within Council's area.
- (i) To ensure that Council will guide and influence the development of tourism in the Council area.
- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.

- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve to call for Expressions of Interest for the lease of Nullagine Caravan Park, located at Lot 251 Gallop Road, Nullagine, Reserve 27496.

**9.1.6 RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN
CENTRE - STAGE 2 LANDSCAPE WORKS**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Newman Town Centre – Stage 2 Landscape Works.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.00

The request For Tender No: 07/2011-2012 for the Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 14 December 2011.

The advertised close of tender was 12 January 2012 at 4.00pm.

During the tender period four (4) addendums were issued.

At close of tender on 12 January 2012 at 4.00pm six (6) submissions were received. They were as follows;

1. Environmental Industries
2. Frogmat
3. Landscape Systems
4. Earthcare Landscapes
5. Tim Davis Landscaping
6. DME Contractors

An additional tender was submitted by Robinson BuildTech, however this was not received at the Shire offices by the 4.00pm deadline on 12 January and thus was disqualified from consideration as a result.

UDLA landscape consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in

carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	20%
Tenderer's Resources	15%
Key Personnel Skills & Experience	15%
Demonstrated Understanding	20%
Tendered Price	30%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Environmental Industries	18	13.5	13.5	16	27	88
2. Frogmat	16	10.5	13.5	12	15	67
3. Landscape Systems	6	10.5	12	14	15	57.5
4. Earthcare Landscaping	12	10.5	10.5	16	24	73
5. Tim Davis Landscaping	18	13.5	13.5	6	27	78
6. DME	14	12	12	16	15	69

The results of the tender assessment indicate that that Environmental Industries is the most advantageous tender to Council due to the scoring under the relevant areas and pricing is within budget.

COMMENTS/OPTIONS/DISCUSSIONS

Environmental Industries have been nominated as preferred tender due to their appropriate pricing schedule and accompanying tender offer documentation which clearly conveys their knowledge and capabilities in completing similar projects.

The tender figure submitted by Environmental Industries represents a reasonable offer with consideration that Environmental Industries contain their own maintenance division, which can provide a high level of presentation and vigour for the Shire over the long term. Across the board of evaluation items, Environmental Industries have proven to provide the greatest value for money and posses one of the largest infrastructure set-ups.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
 - a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region
 - Continuing role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Environmental Industries for RFT No: 06- 2011/2012 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project. The submitted tender price is \$1,667,481.92

**9.1.7 RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF
CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE
DESIGN GUIDELINES**

File No: PLN 8-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Gaby Pieraccini
Manager Project Development
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for acceptance of tender for Consultancy Services to prepare Newman Town Centre Design Guidelines.

BACKGROUND

The request For Tender No: 07/2011-2012 for Consultancy Services to prepare Newman Town Centre Design Guidelines was advertised in the West Australian Local Government Tenders section in accordance with the requirements of the of the Act on 3 December 2011.

The advertised close of tender was 10 January 2012 at 4.00pm.

During the tender period no addendum were issued.

At close of tender on 10 January 2012 at 4.00pm ten (10) submissions were received.

They were as follows;

1. Next Practice
2. Hames Sharley
3. Burgess Design Group
4. Greg Rowe & Associates
5. Hassell
6. MCG Architects Pty Ltd
7. Chris Antill Planning & Urban Design
8. TPG
9. Planit Consulting
10. Kent Lyon Architect

URP, town planning consultants currently engaged by the Shire for the Town Centre Revitalisation Project, assisted Shire staff in preparing the tender request and in carrying out the tender assessment and preparation of recommendation of tender acceptance for the consultancy service.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders as follows;

Description

Relevant Experience	15%
Tenderer's Resources	10%
Key Personnel Skills & Experience	5%
Demonstrated Understanding	20%
Tendered Price	50%

A full assessment was carried out and is attached under separate Confidential Cover and includes a report and recommendation.

The following table summarises the weightings that were given to the companies who submitted a tender;

Tenderer	Weightings					TOTAL
	Relevant Experience	Tenderer's Resources	Key Personnel Skills & Experience	Demonstrated Understanding	Tender Price	
1. Next Practice	6	2	6	12	30	56
2. Hames Sharley	10.5	4	6	12	30	62.5
3. Burgess Design	3	3	2	8	30	46
4. Greg Rowe	6	3	4	8	30	51
5. Hassell	12	4	6	16	20	58
6. MCG Architects	0	1	2	0	30	33
7. Chris Antill	9	2	4	8	30	53
8. TPG	9	4	6	14	25	58
9. Planit Consulting	6	3	4	10	30	53
10. Kent Lyon Arch.	3	1	2	4	25	35

Having regard for all pertinent criteria the view is that the best value for money tender was submitted by Hames Sharley.

COMMENTS/OPTIONS/DISCUSSIONS

Hames Sharley is a well established and well respected national consultancy, with a Perth office that deals with built form projects. They have extensive experience with town centre planning and preparation of built form guidelines.

Hames Sharley were on the Shire of East Pilbara Panel of Preferred Planning and Urban Design Consultants, 2009 -2011 and was the consultant that prepared the 2007 Newman Town Centre Master Plan providing a "blue print" for a more accessible and permeable town centre, and which informed preparation of the Newman Town Centre Master Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

- 11.A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
- 12.Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
- 13.A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
- 14.For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

15. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
16. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.
- The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
17. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
18. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
19. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
20. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
 - b. Internal documentation
 - c. Enquiry and response documentation
 - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
Lobbying and advocacy role
How funded – Municipal Funds and funding opportunities
Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council: Accept the tender from Hames Sharley for RFT No: 07-2011/2012 Provision of Consultancy Services to prepare Design Guidelines – Newman Town Centre. The submitted tender price is \$74,250.00 including GST (\$67,500.00 excluding GST)

9.1.8 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

File No: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update includes the new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders. The Policy needs to be updated to ensure that Officers seek written approval from the Chief Executive Officer before seeking a tender to be called or expressions of interest.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the

exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

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

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

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

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

Orders for Goods & Services

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

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative

temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Councils Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *Past sales by auction house.*

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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

21. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
22. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
23. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
24. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
25. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
26. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
27. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

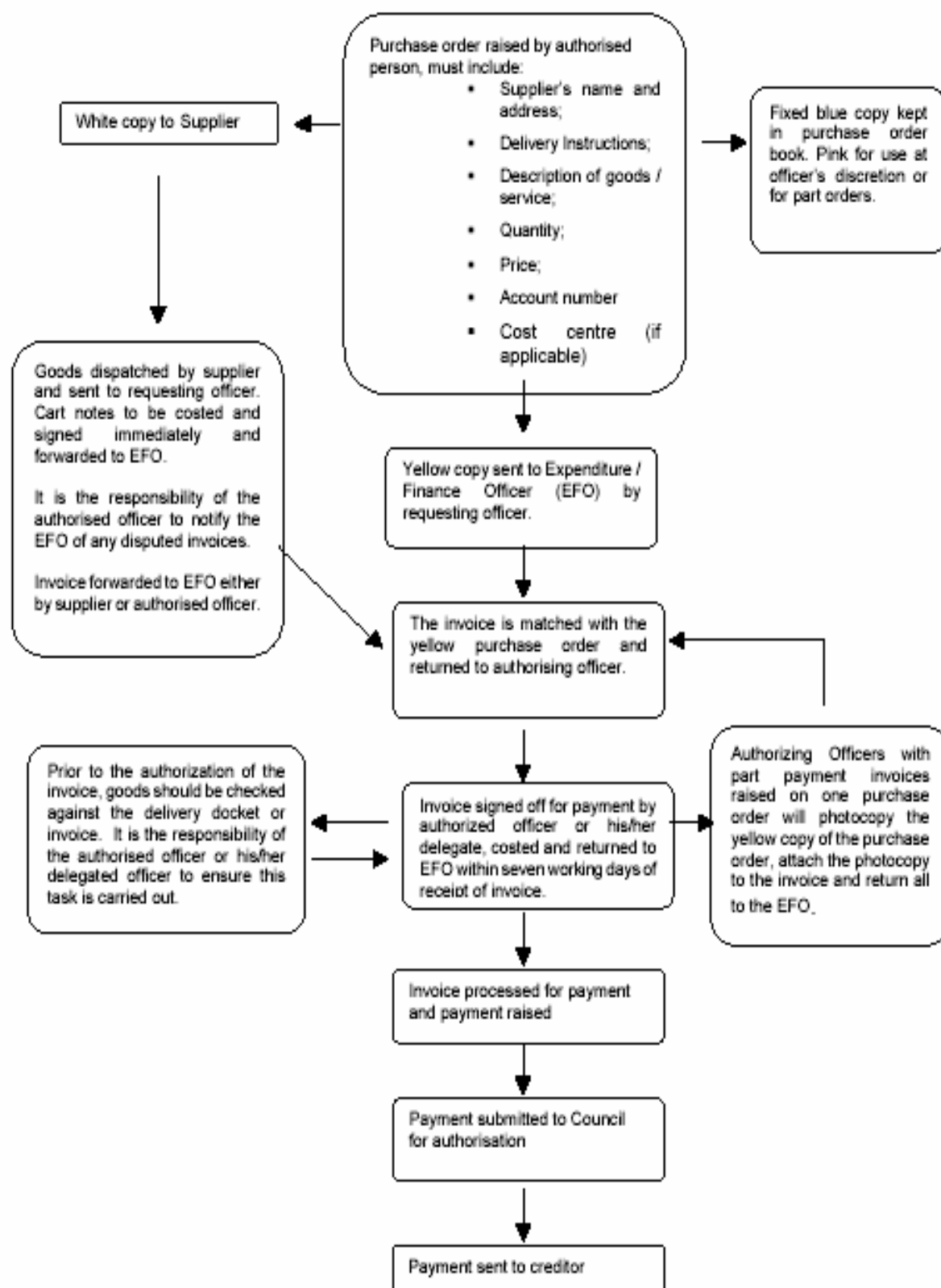
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au.
28. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
29. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
30. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

31. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.

**9.1.9 APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE
ENVIRONMENTAL PROTECTION ACT 1986**

File No: LIC-6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.

BACKGROUND

The Shire regularly receives copies of applications submitted to the Department of Mines and Petroleum and/or the Department of Environment and Conservation to clear native vegetation. The Shire is encouraged to forward a submission outlining Council's position. In the past, we have raised our concerns with the Department about the number of applications being received. We have also requested a map, or web based viewing tool, so we can see how much land is being cleared within the Shire. To date we have not received any map.

Our concern is that there is no real control over the number of applications being submitted and the area of land being cleared. The area being cleared is, on average, 400 hectares and the Shire receives approximately 7-10 of these applications per week. At this rate, the concern is that no, or little, native vegetation will be left for future generations.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, not support or make suggestions amending the applications.

For reasons outlined above, Council is strongly encouraged to not support any further applications to clear native vegetation received by the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Environmental Protection Act 1986.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. Council not support any further applications received to clear native vegetation within the Shire of East Pilbara, until such time as a map or web based viewing tool is made available.
2. That the Minister for Mines and Petroleum and the Minister for Regional Development and Lands be advised of Council's decision.

**9.1.10 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD - COMMUNITY
DEVELOPMENT PROJECT (CDP) CONTRACT AGREEMENT FOR THE
CAPRICORN & BOOMERANG OVALS SPORTING COMPLEXES
FACILITIES UPGRADE - NEW11_40**

File No: Contract No: NEW11_40
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Capricorn and Boomerang Ovals
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Number: NEW11_40 for \$1,500,00 plus GST \$150,00 for a total of \$1,650,000, between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara.

BACKGROUND

This project flows from the strategies developed by the Shire of East Pilbara to the Pilbara Cities Initiative announced by Premier Barnett in November 2009. The growth of Newman into a community of 15,000, as forecast, will warrant an upgrade and expansion of amenities throughout the town. Two major components to be addressed and reflected in this business case is the town centre redevelopment and the enhancement of sports and recreation facilities for the community. This funding application details the improvements to the sporting facilities in the town recommended by two separate but related strategic sport, recreation and town planning studies.

The first was a detailed master planning study for the redevelopment of the Capricorn Sporting Precinct; "Capricorn Sporting Complex Master Plan". Amongst the key recommendation of this study was the development of player and spectator amenities for the junior sports, making use of the underutilised playing fields. It also highlighted the need for improved and expanded sports ground lighting to enable more efficient use to be made of the existing facilities.

The second study, "Newman Revitalisation Plan", addressed a major change in the land area available on Boomerang Oval, the playing field adjacent to the town centre. Increased visibility and improved access to the retail precinct require a new road to be created the route of which dissects the existing oval and alienates the player and spectator amenities from the playing field. Replacement facilities are required not

only to meet the needs of oval users but also to accommodate broader community interests.

The funding offered will contribute towards the upgrade of sporting facilities in Newman including improvements to the Capricorn Sporting Precinct as per the Masterplan, and for new facilities on the modified playing area at Boomerang Oval.

At the Council meeting held on 28th October 2011, agenda item 13.5.1 for Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals was accepted subject to funding approval by the Pilbara Development Commission (\$ 4,855,040) and BHP Billiton Iron Ore Pty Ltd (\$1,500,000).

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 28th October 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

resolution number included and the date that the seal was applied.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Tender 04/2011-12, Design, Supply, Installation and Commissioning of Sports field lighting at Capricorn and Boomerang Ovals is subject to funding approval by Pilbara Development Commission (\$ 4,855,040) and BHPBIO (\$1,500,000).

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Community Development Project (CDP) Contract Agreement for the Capricorn and Boomerang Ovals Sporting Complexes Facilities Upgrade Contract Agreement, Number NEW11_40 between BHP Billiton Iron Ore Pty Ltd and Shire of East Pilbara for \$1,500,000 + GST \$150,00 for a total of \$1,650,000.

**9.1.11 AFFIXING COMMON SEAL TO A NEW LEASE AND LICENCE
AGREEMENT – WTH PTY LTD TRADING AS AVIS CAR RENTAL AND
SURRENDER OF OLD LEASE.**

File No: A700784
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport – Lease Area 15
Name of Applicant: WTP Pty Ltd – (Avis)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Surrender of Lease agreement, and the new lease and licence agreements for WTH Pty Ltd located at Newman Airport –Lease Area 15, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Surrender of Lease, and applied to the new lease and licence agreements between the Shire of East Pilbara and WTH Pty Ltd known as Avis Car Rental located at Newman Airport – Lease Area 15.

**9.1.12 AFFIXING COMMON SEAL TO A LICENCE AND LEASE AGREEMENTS -
CHALKWEST PTY LTD, TRADING AS BUDGET RENTAL LOCATED AT
NEWMAN AIRPORT**

File No: A700785
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Chalkwest Pty Ltd - Trading as Budget Car
Rental
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease and licence agreements for Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport –Lease Area 14, licence agreements for Car bays and Kiosk.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the new lease and licence agreements between the Shire of East Pilbara and Chalkwest Pty Ltd trading as Budget Car Rental located at Newman Airport.

9.1.13 NEW DELEGATION - MAKING OF THE DECISION TO INVITE TENDERS

File No: LEG-2-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Senior Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders.

BACKGROUND

During the 2010 Compliance Audit Return, Council failed to comply with Regulation 17(2)(b) of the *Local Government (Function and General) Regulations 1996*. That is, Council failed to include, for each invitation to tender, particulars of the decision made to invite tenders and, if applicable, the decision to seek expressions of interest under Regulation 21(1).

Local Government Consultant, Mr Gary Martin, completed the audit in 2010. He suggested that the decision to invite tenders may be a Council decision, but is a power suited for delegation to the CEO. If Council delegated this power to the CEO, this would prompt the need for a specific written authorisation to call the tender. That written authorisation should be prepared for the CEO's consideration by the officer seeking the tender to be called and supported by the required detailed information.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6
Legislative Authority for Delegation:
s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

The Purchasing and Tenders Procedures Policy should be updated to include a suitable reference to this delegation.

The Tender's Register Checklist should also be updated to reflect this delegation.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Making of the Decision to Invite Tenders, as detailed below.

MAKING OF THE DECISION TO INVITE TENDERS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: LEG-2-6

Legislative Authority for Delegation:

s17(2)(b) *Local Government (Functions and General) Regulations 1996*

Delegation

Authority to authorise a tender to be called subject to the allocation of funding in the budget.

Authority to authorise the decision to seek expressions of interest under regulation 21(1) of the *Local Government (Functions and General) Regulations 1996*.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

**9.1.14 PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2
GENERAL STREET, MARBLE BAR (P524/11)**

File No: A200760
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 General Street, Marble Bar
Name of Applicant: Gordon Hobbs
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council approval is required for a variation to the Residential Design Codes (R-Codes) in relation to a proposed oversized outbuilding and lean-to at the subject lot.

BACKGROUND

The subject property is zoned Residential with an R-Coding of R15 under Town Planning Scheme No. 4. The applicant has requested that Council allow a variation to the R-Codes for a proposed outbuilding which is a 10m x 6m shed with a wall height of 4.5m in addition to a lean-to which is 3m x 6m and a wall height of 3.52m. The highest indicated ridge height for the proposal is 5.65m. The total area of the proposal is 78m². Under the R-Codes, an outbuilding is not to exceed 60m², a wall height of 2.4m and a ridge height of 4.2m, therefore Council is required to exercise its powers to alter these standards.

The applicant has provided the following reasons for the variation:

- Height of the proposed shed will make the internal area cooler in extreme heat;
- There is a need to garage multiple vehicles within the shed as the occupants form a large family and the vehicles are generally large, namely caravan/truck;
- Security for vehicles; and
- Security and ability to store tools and other valuables within the lean-to.

The applicant also notes that a similar shed has been allowed within the Lynas road area. Additionally, it is noted that the applicants property is approximately 1m lower than the adjoining neighbours which would aid in reducing the bulk/height of the building.

In accordance with the R-Codes, neighbour referral was undertaken by way of a letter sent to the adjoining properties. Neighbours were requested to advise the responsible Shire officer whether they object to any part of the proposal. To date, no submissions were received.

In relation to other requirements, the proposal will not impact on the minimum required area of open space at the subject property and complies with the relevant setbacks.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal exceeds the maximum allowable area for an outbuilding, ridge height and wall heights. However, given the circumstances, that is, the housing of vehicles and storage, the proposal has merits. Allowing the use of larger sheds in rural townsites allows property owners/residents to enhance the quality and appeal of their site by housing vehicles, machinery and so on within such sheds. Ultimately, the enhancement of streetscapes is for the betterment of the entire community.

Through the applicant's submission, it is noted that the site is lower than neighbouring properties which will help to reduce the bulk and scale of the proposal on the affected neighbouring properties. However, as mentioned, consultation was undertaken but no submissions were received. This can be construed as being that there are no objections.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have the right to have the decision of Council reviewed by the State Administrative Tribunal if they are aggrieved by such decision or condition(s) imposed.

POLICY IMPLICATIONS

Residential Design Codes (State)

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

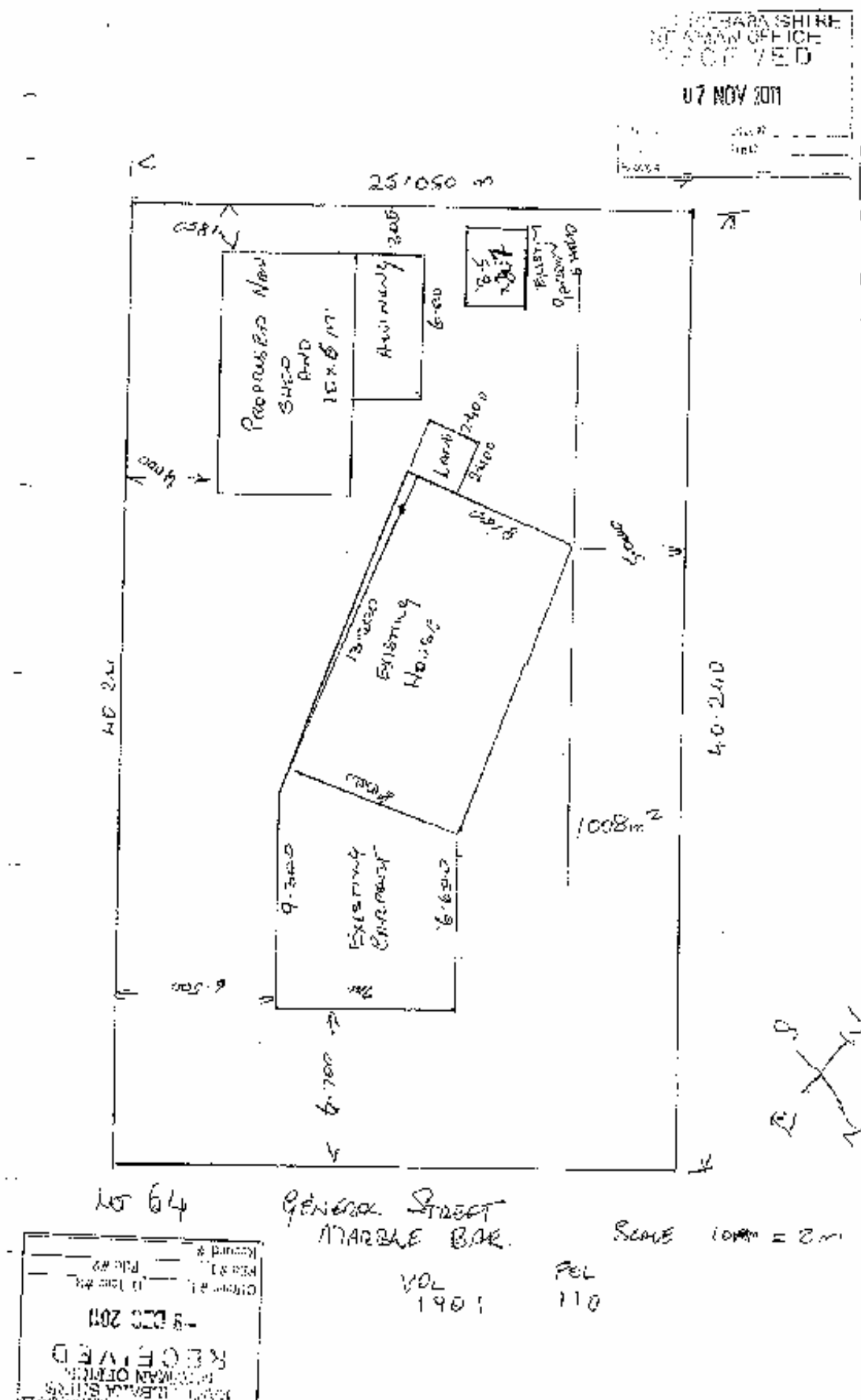
VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the proposed outbuilding with attached lean-to at 2 General Street, Marble Bar subject to the following conditions:

- 1. All building works to comply with the legislative requirements;**
- 2. Development shall be in accordance with the approved plans.**



**9.1.15 APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO:
15 TJILLA STREET, NEWMAN**

File No: A414720
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: 15 Tjilla Street, Newman
Name of Applicant: Toni Burns - Pilbara Murchison Cleaning
Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council permission to keep a Euro kangaroo at residential premises being Lot 15 Tjilla Street, Newman.

BACKGROUND

It came to the Shire officer's attention that a Euro kangaroo was being kept at Lot 15 Tjilla Street. The following correspondence was then sent out to the occupier:

"Dear Mr Burns,

Keeping of Wildlife - Kangaroo in backyard

It has come to the attention of the Shire of East Pilbara that you are keeping wildlife; namely a Euro kangaroo, in your back yard or at your premises at 15 Tjilla Street, Newman. Information from the Department of Environment and Conservation is that you are a registered wildlife carer and have a permit for this animal. They do not have any written approval from the Shire of East Pilbara permitting the keeping of wildlife on record.

Prior to any other permit being issued, it is requisite upon you to obtain the relevant permissions from the Local Government. Should you already have written record of permission, you are required to forward a copy to the undersigned at this office, within seven days of this correspondence.

Failing any Local Government approval, you are in contravention of the Health Act 1911 and the Health Local Laws. Should this be the case you are required within 30 days of the above date to repatriate the kangaroo at the direction of the local office of the Department of Environment and Conservation in Karratha."

The resident, Toni Burns then responded with the following email:

"To the members of the Shire".

I wish to request the relevant permit be issued for the keeping of wildlife at our home. The address is 15 Tjilla St Newman. We have just received a letter from the

shire stating that we must have one. My husband Chris is a registered carer. We have a license to keep 1 male euro permanently, which is renewable annually. We were not aware that we required local permission for this as well as our license. Currently we have rescued and released over 40 wild birds and 2 other Euros. The euro we have a license for is an adult male who first came to us as a pouch Joey. We also had another Joey that we raised with him for release together. The release was attempted at the lion's park. For about 3 days they seemed fine. Then on the fourth day we had to enter the compound and retrieve both animals as they were suffering severe stress and dehydration. The female did not survive. The male came good again after 2 weeks. Another attempt was to be made to release him but he was seriously injured again and had surgery at the local vet. Due to the constant dramas with his injuries he has become extremely comfortable around humans. This being the case he is a family fixture.

As we do care for wildlife we would prefer to know that we are not breaking any local laws. So we would like to thank you for looking at our permit request."

COMMENTS/OPTIONS/DISCUSSIONS

The licence that the applicant currently holds is one issued by the Department of Environment and Conservation. One of the standard conditions on this licence clearly states that, "*The applicant must comply with all relevant local authority By-laws*". The Shire officers have been in consultation with the local DEC staff and have jointly inspected the applicant's property and concur that with a Lot size of only 539.98m², the applicant is unable to comply with the conditions for keeping of an animal as stated in paragraph (a) and (b), Subsection (2), Section 5.3.2 of Division 3 of the Shire of East Pilbara Health Local Law 1999.

STATUTORY IMPLICATIONS/REQUIREMENTS

Shire of East Pilbara Health Local Law 1999, Conditions for keeping of an animal
5.3.2 (1) an owner or occupier of premises, within a town site shall not keep a horse, cow or large animal on those premises without the approval of the council.
(2) An owner or occupier of premises who has an approved animal shall ensure (a) the premises has an area of not less than 0.2hectares for the exclusive use of the approved animal; and (b) the approved animal does not approach within 30 meters of a dwelling.

POLICY IMPLICATIONS

N/A

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Not give permission to Toni Burns to keep any wildlife at 15 Tjilla Street Newman.**
- 2. Recommend to the Department of Environment and Conservation to revoke the existing licence granted to Toni burns to keep one Euro kangaroo at lot 15 Tjilla Street, Newman and that they ensure full compliance with all Local Government Local Laws by any future applicants before issuing such licences.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2011**

File No: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	<p>Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre</p> <p>Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.</p>	On Going
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 th November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked.</p> <p>Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	<p>Tiger Turf confirmed in late December of a January 2012 – site visit.</p> <p>Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather.</p> <p>Trip to be rescheduled by Tiger Turf at a later date.</p>	

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2012

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Records Officer
Proposed Meeting Date: 3-Feb-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for the 2012 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Administration) Regulations 1996 state:

12. Public notice of council or committee meetings - s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
-

POLICY IMPLICATIONS

The Policy Council Meetings - Dates and Times states in part:
"Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual."

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2012 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
1 st March 2012	1 st Thursday	8:00am	Newman
12 th July 2012	2 nd Thursday	8:00am	Newman
11 th October 2012	2 nd Thursday	8:00am	Newman
13 th December 2012	2 nd Thursday	8:00am	Newman

9.2.3 PLAN FOR THE FUTURE OF THE DISTRICT - 2011

File No: CLR-1-9
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Due to an implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future.

BACKGROUND

Under the Local Government Act 1995 Council is required to plan for the future. Previously Council was required to produce a Plan for the Future of the District under the Local Government (Administration) Regulation 1996, 19C. The Shire of East Pilbara's current Plan for the Future of the District was accepted by Council on the 26 June 2009 and due for review in 2011.

COMMENTS/OPTIONS/DISCUSSIONS

With the implementation of Local Government (Administration) Amendment Regulations (No. 2) 2011 there are now different requirements for planning for the future. Section 19DB allows for the transitional arrangements.

- (4) A Local Government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

Council is therefore requested to extend the timeframe of the existing Plan for the Future of the District until the adoption of the Community Strategic Plan.

STATUTORY IMPLICATIONS/REQUIREMENTS

The Government Gazette 26 Aug 2011, page 3483 states;

12. Regulation 19C replaced

Delete regulation 19C and insert:

19C. Planning for the future: strategic community plans — s. 5.56

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council agree to extend the timeframe of the current Plan for the Future of the District until such time that the Strategic Community Plan is in effect in accordance with Local Government (Administration) Regulation 1996, Part 5, Division 3, 19C.

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9.2.4 NEWMAN HOUSE – BUILDING RENEWAL EXPENSE

File No: A417550
Attachments: [Newman Comm. Centre Letter](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Tina Wilson
Systems Support / Record Officer
Location/Address: Newman House
Name of Applicant: Newman Community Centre Building
Management Committee
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider reducing the Building Renewal Expense account for the 2010/2011 year, charged for the Lease of the Newman Community Centre, by 75% as requested by the Newman Community Centre Building Management Committee.

BACKGROUND

As per signed lease agreement, the fee of \$75 000 ex GST, for the Building Renewal Expense Fee, is payable by the Newman Community Centre Building Management Committee for the financial year of 2010/2011.

COMMENTS/OPTIONS/DISCUSSIONS

The Building Renewal Expense Fee was based on full occupancy for the full financial year. Delays in the building completion, agencies pulling out of their initial expressions of interest and agencies not completing tenancy agreements caused delays in obtaining full occupancy.

Full occupancy was obtained in September 2011.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

FINANCIAL IMPLICATIONS

That a short fall of \$18,750 will need to be absorbed.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council consider reducing the Building Renewal Expense amount of \$75,000 excluding GST by 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

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9.2.5 ENDORSEMENT OF LOCAL LAWS

Attachments: [Local Laws Att1.pdf](#)
[Local Laws Att2.pdf](#)
[Local Laws Att3.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Kylie Bergmann
Senior Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the following local laws:

- Dogs Local Law 2011
- Fencing Local Law 2011
- Bush Fire Brigades Local Law 2011
- Parking and Parking Facilities Local Law 2011
- Health Local Law 2011
- Public Places and Local Government Property Local Law 2011

BACKGROUND

At its meeting on 22 July 2011, Council resolved:

“THAT Council approve the release of the following Shire of East Pilbara draft local laws for public comment for a period of six (6) weeks:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011”*

On 12 October 2011, the public was given notice that the Shire proposes to make these local laws. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on 28 November 2011.

Only 1 submission was received relating to the Dogs Local Law. That submission was received from the Newman Veterinary Hospital recommending that it be compulsory for all dogs in the Shire to be microchipped. I am of the opinion that there is no power under the *Dog Act 1976* to legislate for the compulsory microchipping of all dogs. Therefore, this recommendation should not be adopted.

COMMENTS/OPTIONS/DISCUSSIONS

On 18 October 2011 copies of the proposed local laws were sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On or about 28 November 2011, the Department provided their comments, copies of which are **attached**. Below is a brief outline of the amendments which were/were not adopted.

Title	Comments
<i>Dogs Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
<i>Fencing Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Finance, as required by legislation. The Minister chose not to make any comments.
<i>Bush Fire Brigades Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.4 should stay for ease of reference.
	A copy of this local law was also sent to the Minister for Emergency Services. FESA made some comments on behalf of the Minister. Those comments are <u>attached</u> .
<i>Parking and Parking Facilities Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.2 should stay for ease of reference.
	In relation to amendment No. 7, I have inserted subclause (4) into clause 7.1 to address the Department's concerns.
<i>Health Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	With respect to amendment No. 5, I have changed the words "Energy Safety" to "AS/NZS 3350.2.9:1999." I have also included a suitable definition in the interpretation section.
	With respect to amendment No. 7, I have deleted paragraphs (b) and (c) from clause 4.4. I spoke to our Management Development Services – Health, who advised that Council does not approve or disapprove a carrier. Licences are approved/disapproved by the Department of Environment and Conservation.
	A copy of this local law was also sent to the Minister for Health. The Department of Health made some comments on behalf of the Minister. Those

	comments are <u>attached</u> .
<i>Public Places and Local Government Property Local Law 2011</i>	All suggested modifications have been adopted except for amendment No. 2. Clause 1.3 should stay for ease of reference.
	In relation to amendment No. 4, I have been advised that this suggestion was unintentionally included when the Parking local law comments and Property local law comments were split into separate documents.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modifications are significantly different from what was first proposed.

Having reviewed all of the suggested amendments, I am of the view that none of the modifications are significantly different from what was first proposed. Rather, they seek to clarify the local laws and make them consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 43).

Part 3 - Functions (Division 2 - Legislative functions) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 45).

POLICY IMPLICATIONS

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 *Maintaining a High Standard of Governance*

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting these local laws are administrative, advertising and publishing in the *Government Gazette*. It costs \$91.00 per page to publish in the *Government Gazette*. There are a total of 196 pages for all 6 local laws. However, the font used in the *Government Gazette* is slightly smaller so 1 page of a word document could probably fit into $\frac{3}{4}$ of a page in the *Government Gazette*. It is estimated that the cost involved will be between \$10,000 and \$15,000 and can be funded from account numbers 51084 and 5910.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- **Dogs Local Law 2011**
- **Fencing Local Law 2011**
- **Bush Fire Brigades Local Law 2011**
- **Parking and Parking Facilities Local Law 2011**
- **Health Local Law 2011**
- **Public Places and Local Government Property Local Law 2011**

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9.2.6 DIGITAL TELEVISION – SATELLITE SUBSIDY SCHEME

File No: CMM-2-7

Attachments: [03.02.12 - Digital TV.pdf](#)
[03.02.12 - Digital TV - 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Tina Wilson
System Support Records Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider switching off the self-help transmission tower and contribute financially to the switch over from analogue to digital television for the residents of Marble Bar and Nullagine by further subsidising satellite dishes for domestic users.

BACKGROUND

On 30 March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, wrote to all licensees of self-help towers outlining important information about the introduction of digital television broadcasting in Australia and the future of self-help towers.

Marble Bar and Nullagine Residents currently receive broadcasts in analogue via Councils television tower. Analogue broadcasts via these towers, is scheduled to cease in the second half of 2013.

Broadcasters have decided that they will not convert any existing analogue self-help retransmission towers in remote Australia to digital, including those in regional and remote Western Australia. Tower upgrades are being carried out by the commercial broadcasters therefore the choice of towers to be upgraded is a matter for the broadcasters to determine. These upgrades are not being funded by the Government.

The Australian Government's recommended option for households served by self-help towers that are not being upgraded by the commercial broadcaster is to move to the Viewer Access Satellite Television (VAST) service. However, it is open to self-help licensees whose towers are not being upgraded to upgrade their towers themselves.

COMMENTS/OPTIONS/DISCUSSIONS

- Tower upgrades – Any upgrades of self-help towers by licensees themselves must be undertaken at their own cost. Satellite Television and Radio Australia anticipate that costs involved would be between \$75 000 and \$125 000.

- It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and the community.
- Digital Terrestrial retransmission will require ongoing commitment and funding for operation and maintenance such as the following;
 - On call costs for qualified DVB-T technicians.
 - Capital replacement costs and difficulties in sourcing and installing retransmission hardware are software, in the future, for Australian markets.
 - Challenges in implementing new transmission technology, where transmission feeds are sourced
 - Challenges in implementing any new digital television transmission standards as they roll-out nationally, including MPEG-4 and DBV-T2.
- There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded tower.
- Licensees who chose to convert their self-help towers will also need to apply for a digital broadcasting licence to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulator considerations.
- Adequate reception cannot be guaranteed from upgraded towers. It is the firm view of the Government that a self-help licensee who chooses to upgrade their tower(s) to digital and retransmit the VAST service must ensure that the viewing experience for households is substantially similar to that of households receiving broadcaster-provided terrestrial digital television services.

VAST SERVICE –

The VAST service feature the same 16 digital free-to-air channels that are broadcast terrestrially in regional and remote Western Australia licence areas. These channels are:

ABC 1	SBS ONE	WIN TV	PRIME (GWN)	WEST DIGITAL
ABC 2	SBS TWO	GO!	7 TWO	ELEVEN
ABC 3	SBS HD	GEM	7 MATE	ONE
ABC NEWS 24				

Once the VAST service is installed there are no ongoing costs for households. The VAST service also allows for the introduction of new broadcasting technology as new digital television standards are implements, without households having to do anything.

SATELLITE SUBSIDY SCHEME (SSS)

Under the Satellite Subsidy Scheme, eligible households will receive an installation, subsidised by the Government, of equipment that enables them to receive the VAST service. The installation will include a satellite dish, a VAST set top box and associated cabling. VAST installations will be carried out by an experienced installer engaged by the service contractor.

Households registered for installation must make a pre-determined financial contribution on the day of installation, the remainder of the installations costs will be paid for by the Government.

The household financial contributions are expected to be between \$200 and \$350. The contribution amount will not be determined until the installation contract for regional and remote Western Australia has been finalised by the Department around mid-2012, and will be communicated before applications to participate in the Scheme open. Tenants who apply for the Satellite Subsidy Scheme must confirm that they have their landlord's permission for the installation.

The SSS only applies to the initial installation. For households with a number of television sets, an additional set top box per television will need to be purchased. Households will not require an additional satellite. The programming of additional televisions and set top boxes can be done at the time of the initial installation. Costs for additional materials required will be the responsibility of the householder.

Currently there is only one manufacturer of the approved VAST set top box. The Department of Broadband, Communications and the Digital Economy anticipate that prices for set top boxes will decrease as new companies are currently entering the market.

HOUSEHOLD ASSISTANCE SCHEME

Some rate payers will be eligible for assistance under the Government's Household Assistance Scheme.

A person may not receive assistance under both the Household Assistance Scheme and the Satellite Subsidy Scheme.

The Household Assistance Scheme will, at no cost to eligible households, supply, install and demonstrate a HD set-top box specifically chosen to meet the needs of the elderly and people with a disability. If a person cannot access a digital terrestrial television signal, they will receive a VAST installation under the Scheme.

To be eligible for this assistance and the person must live in a switchover area due to switch to digital, own a functioning television, do not already have access to digital television on any of the television they own, and they receive the maximum rate of one of the following payments;

- Age Pension
- Disability Support Pension
- Carer Payment

- Department of Veterans Affairs (DVA) service pension
- DVA income support, supplement payment.

INDIGENOUS COMMUNITIES

Communities classed as non-remote will be included in the Satellite Subsidy Scheme. It is anticipated that these households would apply, and be eligible for the Governments Household Assistance Scheme.

Communities classed as remote will receive supply, installation and demonstration of the VAST system, free of charge.

APPLICATION FOR ASSISTANCE

It is envisaged that if Council decide to subsidise residents they must first make the household financial contribution and then present proof of payment and apply to the Shire of East Pilbara for an amount to be reimbursed.

Costs may vary from house to house, 50% the household financial contribution will be reimbursed.

A timeframe of 12 months from date of installation for applications of assistance to be applied.

MARBLE BAR / NULLAGINE

There are currently 91 residential lots in the towns of Marble Bar and Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

Household contributions for 91 residential lots	\$18,200 - \$31,850
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Proposed 50% Subsidy from Council	\$9,100 - \$15,925
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VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT

- 1. Council move to switch off the self-help retransmission tower that currently services Marble Bar, Nullagine and surrounding communities.**
- 2. Council contribute 50% of the household financial contribution for Marble Bar and Nullagine residents, upon receipt of proof of payment towards the initial installation of the VAST Service.**

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9.2.7 INTRODUCTION OF PAYABLE BOND FOR USE OF ANY OVAL AND/OR GREEN SPACE IN NEWMAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the introduction of a \$2,000 bond to be payable as part of the 'Conditions of Hire' for the use of any oval and/or green space in Newman.

BACKGROUND

In May 2011, a \$2,000 bond was introduced as part of the stipulations of hiring the Rugby Oval. This now allows the Shire to charge any operator whom uses this venue for the repair, replacement and/or labour costs incurred by the Shire of East Pilbara, if any misuse or neglect of the Rugby Oval occurred after an event, will be from the bond money payable.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the amount of events occurring in the township of Newman increasing, and the sharing of limited green spaces by event organisers and sporting groups, it now apparent, that the Rugby Oval is not the only oval being used as an outdoor public event venue. Hence, there is a need to be consistent and further extend the \$2,000 bond payable to all ovals and/or green spaces which are being used as outdoor public event spaces.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 (2011 POLICY MANUAL)

STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

Minute No: Item 9.1.3
Date: 27th June 2003
23rd October 2009

Policy

1. Group Allocations & Fixtures

- 1.1 A copy of all competition and training fixtures, including “special events” such as carnivals and byes, must be given to the Coordinator Recreation Services at the Newman Recreation Centre. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.
- 1.2 All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.
- 1.3 If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

2. Change rooms

- 2.1 If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated.

3. Line marking

- 3.1 Water based paint is the only substance to be used for the marking of ovals, unless suitable alternatives are presented for approval. The use of lime for oval marking is not permitted.

4. General

- 4.1 Should the Shire’s gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.
- 4.2 The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, ‘special’ bookings or ground maintenance as directed by the senior grounds control personnel.
- 4.3 Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for both training and match play, lies with the existing season groups until the finals have been played.
- 4.4 All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pick ups are implemented.
- 4.5 Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals.

Groups are permitted to take one light vehicle only onto the ovals during competition.

- 4.6 Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.
- 4.7 The use of star pickets on any oval is not permitted without permission.
- 4.8 Glass and glass containers are not permitted on Council ovals. (e.g. stubbies, glass bottles, glasses and dishes of any type).
- 4.9 Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

5. Public Liability

All Clubs/Associations require a current Public Liability Policy of \$10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

6. Fortescue Festival

The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

Policies 4.1 to 4.9 above apply.

7. Liquor Permits

Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire premises or facilities. An application form must be filled out and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. The completed Liquor Permit application form will then be returned to the event coordinator and must be available on request for proof of Council's approval.

8. Occasional Licences

The Liquor Licensing Division will not process any application for Liquor Licenses to consume alcohol on Council premises without written permission (ie. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

- a) **Alcohol is to be sold; and/or**
- b) **If an entrance fee is to be charged and alcohol is supplied.**

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing
 - Continuing role
 - How funded – Municipal Funds and funding opportunities
 - Responsible Directorate – Community Engagement
-

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Impose a \$2,000 bond payable by all event organisers who use any oval and/or green space in Newman.**
- 2. Charge any users the repair, replacement and/or labour costs incurred by the Shire of East Pilbara associated with the misuse or neglect of any oval and/or green space by the user, from the bond money payable.**
- 3. Impose the fee effective from 3rd March 2012.**
- 4. Provide notice of the adopted bond fee as advertised, pursuant to Section 6.19 Local Government Act 1995.**

9.2.8 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2011

Attachments: [November Financial Statements.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to November 2011 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – November	
Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Youth Centre Expenditure Down – timing only
11	Depreciation Down on land and building due to new housing complex still being built
12	Expenditure Down, timing only
13	Flood damage unable to be budgeted, matched by income
14	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
15	Works and Services under allocated – overheads increased to compensate.
16	Workers Compensation higher then budgeted, will be matched by income
17	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 30th November 2011 of the 2011/2012 financial year as presented be received.

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9.2.9 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2011

Attachments: [Financial Statements December - Council.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Moss
Senior Finance Officer
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 10-page report details the financial activities of the Council for the period July 2011 to December 2011 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

	Variance Report – December
--	----------------------------

Note	Comment
1	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
2	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
3	Planning Applications higher then budgeted
4	Martumili Income above budget – matched by expenditure
5	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
6	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
7	Rates Operating Expenditure down due to timing
8	SES Operating Grant Expenditure down as income not yet received
9	Expenditure Down, Timing Only
10	Prevention Services Expenditure Down – Timing only
11	Youth Centre Expenditure Down – timing only
12	Depreciation Down on land and building due to new housing complex still being built
13	Expenditure Down, timing only
14	Flood damage unable to be budgeted, matched by income
15	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
16	Works and Services under allocated – overheads increased to compensate.
17	Workers Compensation higher then budgeted, will be matched by income
18	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2011 to 31st December 2011 of the 2011/2012 financial year as presented be received.

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9.2.10 CREDITORS FOR PAYMENT

File No: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Giblett
Expenditure Finance Officer

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 16th December 2011.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	<u>\$5,715,506.24</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

15851,15883.15941,562916,562920

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/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,715,506.24

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT13548-14035	5,339,574.44
	Total	\$5,339,574.44
Cheque Payments	15849-15944	339,427.24
Written Cheque Payments	562915-562921	36,504.56
	Total	\$388,800.07
	GRAND TOTAL	\$5,715,506.24

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS -
DECEMBER 2011**

File No: CLR 6-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1** Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Technical Services Report for December 2011 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	9.3.4	NEWMAN AIRPORT CONTROLLED PARKING FEES AND CHARGES	MAS	Will be implemented when hardware is commissioned	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory item	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the	TSAO	Letter sent to MRWA	March 2012

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

3 FEBRUARY 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.			
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. Technical Services to follow up.	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Executive Services to follow up.	MTS –R	Being Investigated	

**9.3.2 CONTROLLER PARKING FEES & CHARGES – AIRPORT TENTANTS
STAFF**

File No: FIN-23-10
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for an appropriate Fees and Charges structure to be applied to Controlled Staff Parking at the Newman Airport long term car parks as and when this system is commissioned.

BACKGROUND

Staff Parking

It is an excepted practice at most airports to provide staff parking to all staff employed at the airport, including those of tenants and contracted service providers. At most capital airports the daily fee for staff parking is between \$7-\$9 / day.

Newman Airport does not have a dedicate staff car park. Staff currently utilise the short term car park, and due to their duty rosters, often has to travel to and from the airport up to three times per day. Their rosters further require them to work early and late shifts. The proposed Parking Consultants International fee structure for staff parking of \$2 per 24 hour period, with multiple entries, is considered a reasonable fee while ensuring an income against expenditure.

COMMENTS/OPTIONS/DISCUSSIONS

Council Resolution 9.3.4 of 16 December 2011 refers.

In their report Parking Consultants International proposes the following regarding staff parking:

4.4.3 Staff Parking Prices

We understand the Airport is considering introducing paid parking for staff in a separate staff car park. We recommend that this should be managed using access control equipment with proximity cards required for entry and exit. Based on our experience at other airports, we recommend a daily fee of \$2. As many staff providing airport services come to the airport on more than one occasion to cater for flights throughout the day, we recommend that the \$2 fee should allow unlimited entries and exits to the car park in each 24 hour period.

In the discussion and comments for the revision of the Controlled Parking Fees and Charges Structure (Resolution 9.3.4 date 16 December 2011), a rate of \$2/24 hours with multiple entry/exits for staff parking was addressed. However, these fees were not included in the final proposal for approval.

Following a full appreciation of the short and medium term infrastructure and service delivery facilities, and due to the limited parking bays available to the public, it was concluded that staff parking be limited to the long term car parks only.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Return of investment in recovering costs from actual users.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopts the fee of \$2 / 24 hours with multiple entry / exits per day for staff parking at Newman Airport.**
- 2. Staff parking is limited to the long term car parks only.**
- 3. Notice of the adopted fees is advertised pursuant to section 6.19 of the Local Government Act 1995.**
- 4. The Fees are effective at the Newman Airport for tenant staff parking in the long term car parks as and when the system is commissioned.**

9.3.3 UNBUDGETED DISPOSAL OF VEHICLE

File No: TCH 2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Vehicle is allocated to author for business and private use

REPORT PURPOSE

To seek Council approval for the unbudgeted disposal of plant 141119, 2010 Nissan Patrol Wagon, due to ongoing mechanical problems.

BACKGROUND

This vehicle was purchased in October 2010 and is allocated to the Manager Technical Services – Rural (MTS-R). The vehicle is predominantly used for extensive remote travel including road construction set outs and road inspections.

Unfortunately this vehicle has proven to be unreliable due to various mechanical failures and ongoing issues and as such has been recalled to the dealer workshops in both Port Hedland and Perth several times.

On each occasion the vehicle is stood down it is a direct cost to Council to transport the vehicle to and from the dealer workshops as well as the initial cost to recover the vehicle from site. Repairs and transport generally take weeks and during this period another vehicle has to be used for the operational requirements of the MTS-R. If another Council vehicle is not available a vehicle needs to be hired.

Due to the unreliability of this vehicle, the requirement to travel in extreme remote areas and the ongoing costs associated with the ongoing maintenance of this vehicle Council are requested to consider disposing of this vehicle as soon as practical.

COMMENTS/OPTIONS/DISCUSSIONS

Since October 2010 the following mechanical failures have occurred:

- Collapsed front wheel bearing – sent to Port Hedland
- Unusual Turbo Noise – sent to Port Hedland, after several weeks advised that they had replaced throttle body actuator. Vehicle retuned and found problem was worse.
- Vehicle returned to Port Hedland – Replaced Exhaust Manifold
- Problem recurred – sent to Perth for diagnoses, nothing found.

- Air-conditioning failed 100km short of the NT Border. Returned and taken to local workshop. Advised to return to dealer as it would cost 1000's to repair.
- Also exhaust manifold noise getting worse
- Sent vehicle to Total Nissan in Perth. Dealer advised that aircon repair was difficult as they had to return to repairer 5 times due to it continuously failing when pressure tested. Dealer advised exhaust manifold was warped due to heat. Suspected that due to the heat in the Pilbara they will continue to fail. Made modifications to air intake to improve airflow. Returned vehicle to Newman.
- Exhaust manifold noise was back 4,000km after repair.
- Air-conditioning failed again.

The vehicle will now have to be sent to Perth again to have the air-conditioning repaired. Further repairs to the exhaust manifold would seem futile as this will only happen again due to the issue with the heat in the engine bay. This makes driving the vehicle uncomfortable due to the constant high pitch whining noise similar to a jet engine. Advice received from other Nissan owners and other vehicles in the fleet this is a common problem. Council owns two other vehicles with the same problem of which one has just been repaired. It is expected that these vehicles will be included in the next budget for disposal.

Based on the ongoing issues as detailed in this report and the proven unreliability of this vehicle it is recommended to transport the vehicle to Perth again to have the air conditioning repaired under warranty and to then send the vehicle to auction for disposal.

A replacement vehicle be purchased as soon as possible using funds from another account as detailed in the Financial Implications section of this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section—

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to—

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

POLICY IMPLICATIONS

Council's Plant Replacement Policy, item 9.1.3 applies.

Plant 141119 has travelled approximately 40,000 kms.

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Purchase cost of this vehicle was \$68,504 with \$57,782.86 being the current written down value (as off December 2011). The sale of this vehicle will result in a loss based on recent sales record from the auction house. Auction value may be set at around \$45,000 depending on demand. The reserve will be set higher initially in order to recover as much of the written down value as possible.

Funds have been allocated in the 2011/2012 budget for the replacement of the RTP Bus in account 139818 at \$120,000. The replacement vehicle has been ordered however, due to the extensive delays in build times of the new vehicles this vehicle is not expected to be delivered within the current financial year. It is therefore recommended Council reallocate the funds for the purchase of a replacement vehicle for asset 141119D and to allocate funds for the purchase of the RPT Bus in the 2012/2013 financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Authorises the disposal of plant 141119 (Asset Number (141119D) a 2010 Nissan Patrol ST Wagon.**
- 2. Authorises the sale of asset number 141119D, 2010 Nissan Patrol ST Wagon at public auction.**
- 3. Authorises funds from account 139818 to be reallocated for the purchase of a replacement vehicle for asset 14111D.**

9.3.4 DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK

File No: TCH 4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Regional Development and Lands (RDL) to provide comments and/or objections regarding the dedication of the track between Telfer and the Talawana Track.

BACKGROUND

The RDL wrote to Council on the 23 February 2011 advising that they had received a request from the Department of Mines & Petroleum (DMP) to have the track between Telfer and the Talawana Track dedicated.

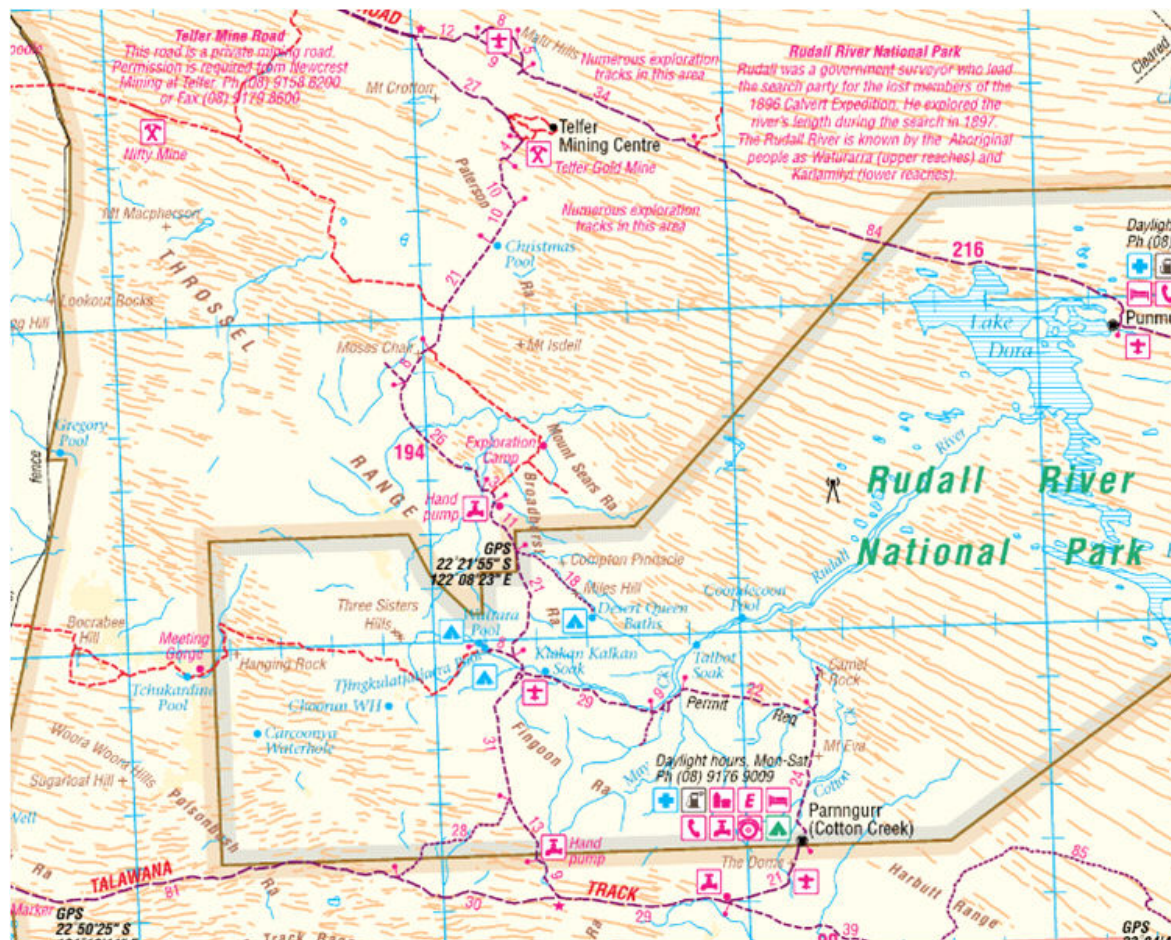
Comments were sought from Council as to:

- *Whether you have any objections to this proposal proceeding, and*
- *Whether the Shire of East Pilbara are prepared to accept management of the road once dedicated.*

Further communication was received from RDL on the 1 December 2011 requesting Council's comments on this matter.

COMMENTS/OPTIONS/DISCUSSIONS

The track referred to in the communication extends between the Telfer Access Road and the Talawana Track, it transverses through the Karlamily National Park (formerly known as Rudall River National Park). The total length of the track is approximately 160km with the first 10km from the Talawana Track being on unallocated crown land, the following 60km within the National Park Boundary and the final 90km on unallocated crown land.



The first 70km from the Talawana Track is not maintained on a regular basis. The Department of Environment and Conservation (DEC) have advised that funding is not available for regular maintenance and as such the current condition of this section is very poor. The track is approximately a single lane 3-4m wide sandy track with heavy corrugation which changes to undulating country with a rockier base. This section also crosses a major river (Rudall River) as well as several minor low lying flood prone areas.

The remaining 90km from the National Park boundary to the Telfer Road is being maintained as a result of increased mining activities within the area. Predominately by Cameco at its Kintyre Uranium project situated at the National Park Boundary. This section of road has been graded on a more regular basis however it remains in a relative poor condition with limited formation and drainage.

At present, this track is being used by the local indigenous people as a link between the Parngurr and Punmu Communities as well as tourist traffic to the Karlamilyi National Park. Over the years Shire crews have used this track on some occasions in order to mobilise equipment between the Talawana Track and the Eastern Desert Roads from Punmu through to the Northern Territory Border. Mining traffic has increased over the past years and is expected to increase dramatically once Cameco's Kintyre operation commences operations and export.

Dedication of this track would have several benefits to the Shire but equally it would also have several negative impacts.

PROS

1. Dedication would formalise a link between the Talawana Track and the Telfer Road.
2. The track/road would be under the care, control and management of the Shire.
3. Once dedicated road access agreements would be put in place with mining companies with regard to road usage, upgrades and ongoing maintenance.
4. Mine sites would be required to construct and maintain sections of this road thus improving the road at no cost to Council.
5. Cost of maintaining and upgrading this road could be achieved at no cost to Council.
6. This road may become a private road should Council chose not to accept the dedication. This may only apply to the section between Telfer and Cameco. The access from the Telfer road would remain as it is within the National Park and provides the only access to the park.
7. Adding the additional 160km to Council's road inventory may increase annual funding towards road maintenance.

CONS

1. Dedication would make Council responsible for the care, control and management of this track which in turn would have a financial impact on Council.
2. Maintaining and upgrading a further 160km (approx) within a remote location.
3. Financial impact on maintenance and upgrade.
4. Access requirements are yet still unconfirmed and may be limited to the section between Telfer and Cameco thus leaving the remaining section the responsibility of Council to maintain.
5. In the event that mining ceases within this area the cost of maintaining this road will be Council's.
6. There are no guarantees that once dedicated this road will be maintained and/or upgraded by mining companies.
7. No information has been received from RDL with regard to the width of the road reserve. Access to road building materials may be difficult due to the National Park and native title sensitive areas.
8. It is understood that at present design plans are underway to construct a private road between Parnngurr and Punmu in order to direct traffic away from the mining areas. Once this occurs there is no longer a need and/or benefit to the local indigenous Communities for this road. It should also be noted that upgrading this road would increase traffic and not reduce traffic as is being suggested by the local mining companies.
9. This road will not be eligible for Aboriginal Access Road funding.
10. Maintaining/Upgrading and additional 160km will have an impact on service delivery on Councils existing roads.
11. The Talawana Track is not a dedicated road nor is the section of the Telfer road where this road intersects which is a private road.

Due to the limited information provided by the RDL and the uncertainty of mining activities within the area it is recommended for Council not to accept the dedication of this road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Regional Development that:

- a. Council objects to the proposal to dedicate the Track between Telfer and the Talawana Track.**
- b. Council is not prepared to accept the management of this road.**

9.3.5 PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD

File No: TCH-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a proposal by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at it's Marillana Iron Ore Project.

BACKGROUND

The Munjina Roy Hill Road extends between the Marble Bar Road near Roy Hill Station and the Shire Boundary with the Shire of Ashburton approximately 7km before the Great Northern Highway (GNH) near the Auski Road House.

This road is located within a dedicated road reserve and listed on the Main Roads Restricted Access Vehicle (RAV) Category 10 Network, Road Train to 53.5m and 127.5 tonne.

The majority of traffic is between the GNH and the BHP Yandi turn off approximately 55kms. This section services various mining/exploration tenements and railway line access as well as a direct link between the GNH and the Marble Bar Road. As such traffic has increased over the past years but still has been restricted due to the unsealed nature of the road with the majority being in flat low lying country which becomes impassable during periods of heavy rainfall.

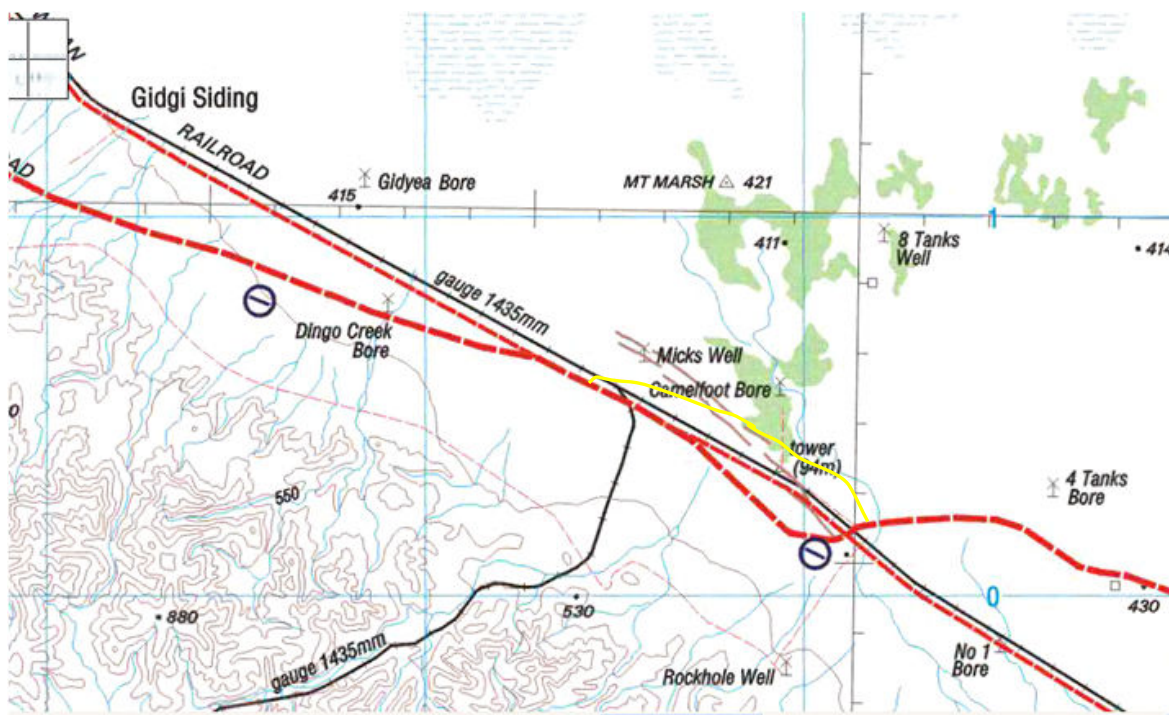
Road train access has been approved for Process Minerals International (PMI) for it's newly acquired Phil's Creek Mining Operation located approximately 80kms from the GNH. It is a requirement as part of the road access approval for PMI to seal the section of the Roy Hill Munjina Road to a RAV 10 Network Standard. Brockman Resources Marillana Project is located approximately 60km east of the GNH and will also require heavy vehicle access to this location. Further, Fortescue Metals Group have also indicated at using the Munjina Roy Hill Road from it's Nyidinghu Project and are still looking at feasible options to transport the ore.

As part of Brockman Resources initial design/planning stage and in order to be able to construct the required rail loop for connection to the existing rail networks in the area have approached Council to consider a proposed realignment of the section that would impact on the current alignment of the Munjina Roy Hill Road based on the location and construction of the new rail loop.

COMMENTS/OPTIONS/DISCUSSIONS

As has been detailed previously in this report the upgrade of the Munjina Roy Hill road is imminent and traffic volumes are expected to increase dramatically particularly heavy haulage vehicles. Access approval is conditional based on the applicant complying with strict conditions, which include but are not limited to, upgrading the Munjina Roy Hill Road to a sealed RAV 10 Network standard as well as committing to ongoing pavement maintenance.

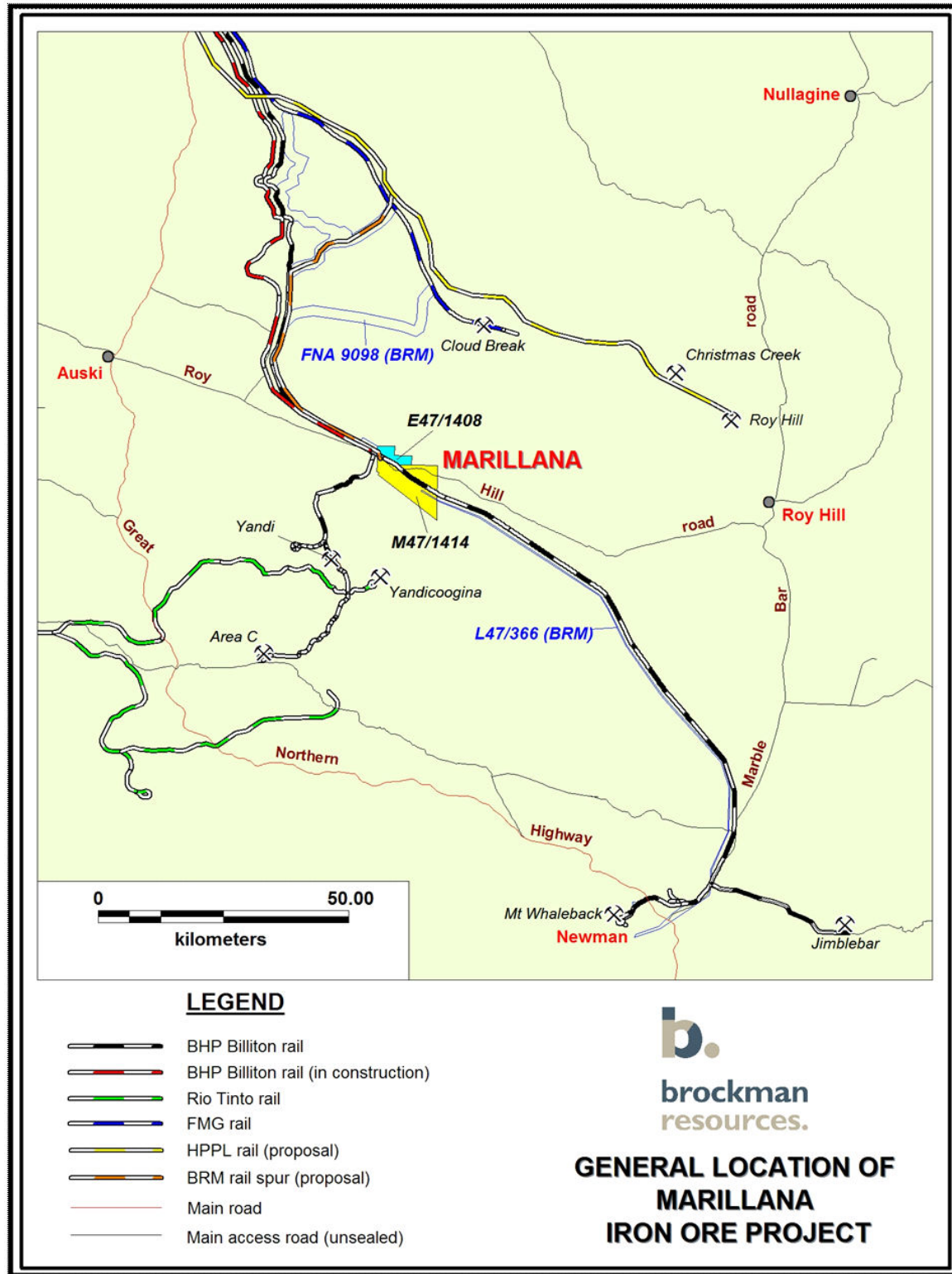
The requested by Brockman Resources Limited to realign a section of the Munjina Roy Hill Road at its Marilana Project location is considered reasonable based on submitted documentation. The proposed realignment will have a positive impact on the trafficability of the road based on the improved geometric design as well as construction to a sealed standard. There will be a requirement for Brockman Resources to relocate two BHP railway crossings and negotiations between the two party's are in progress. All costs associated with the realignment including, compliance, approvals, construction and ongoing maintenance will be the responsibility of Brockman Resources. The realigned section as well as the remainder of the Munjina Roy Hill Road will at all times remain a public road under the care, control and management of the Shire of East Pilbara.



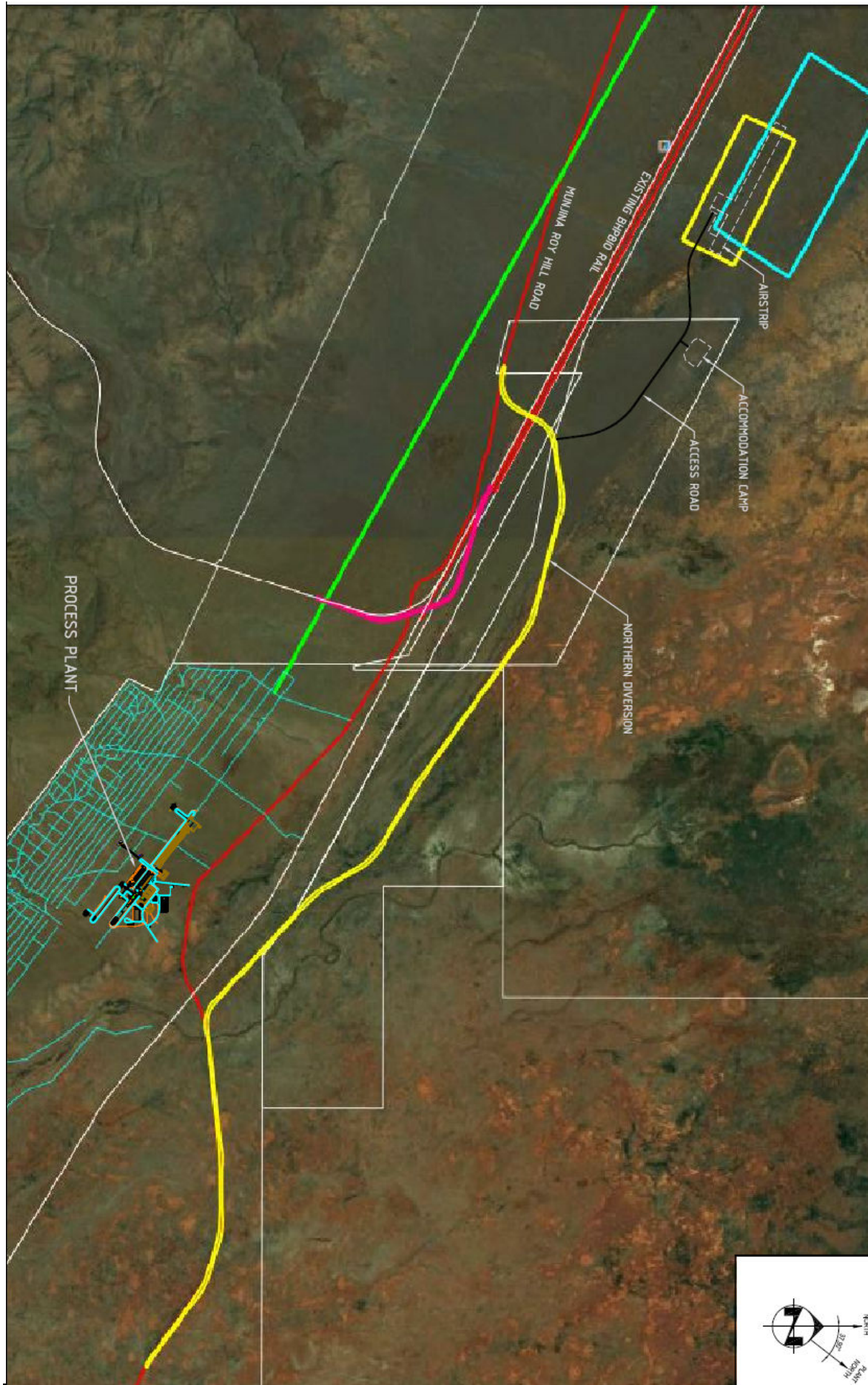
Approximate proposed new alignment shown in yellow.

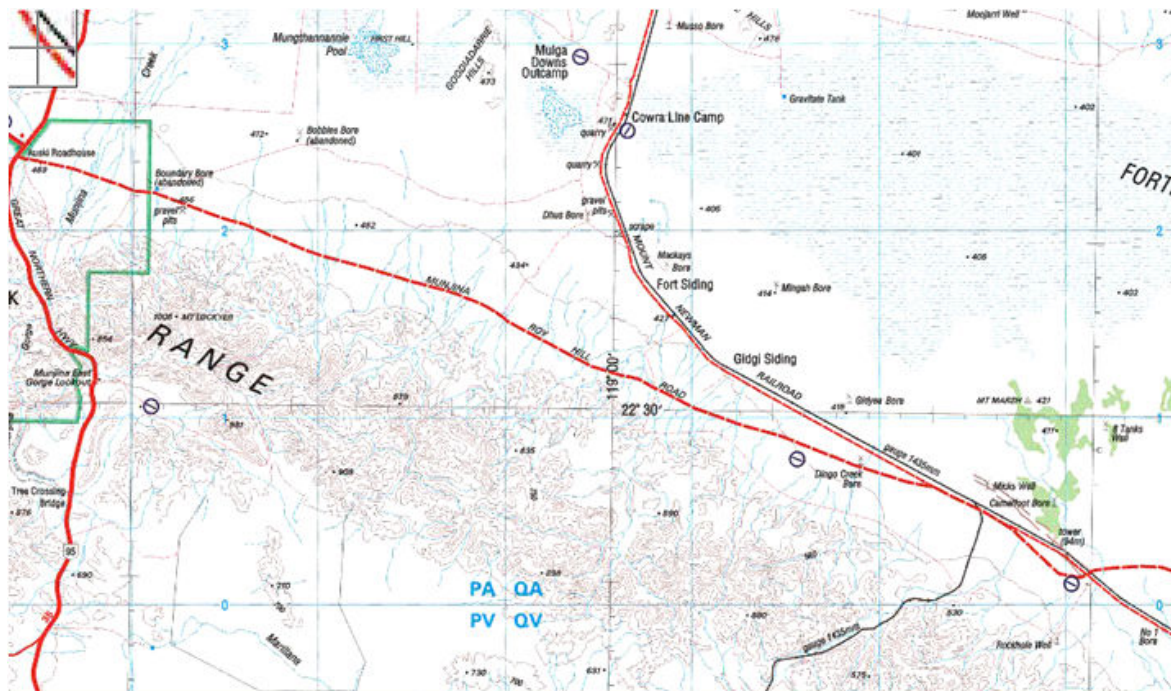
The above map insert indicates the approximate location of the new proposed realignment in relation to the existing alignment and is not to scale.

The map below depicts the general location of the Marillana Iron Ore Project in relation to other existing mine sites in the area and the Munjina Roy Hill Road.



The following map and overlays depict the proposed airstrip and plant location as well as showing the current and proposed alignments.





Location of Realignment in relation to GNH and Auski

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact. All costs associated with , compliance, approvals, construction and maintenance of the realignment including all related infrastructure including signage, railway crossings boom gates etc will be met by Brockman Resources Limited as well as ongoing maintenance to the section of the Munjina Roy Hill Road used by Brockman Resources as part of its mining operations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the creation and construction of a new alignment on the Munjina Roy Hill Road as indicated in the attached drawings and to close the existing relevant road easement under the following conditions:

- a) All relevant approvals, advertising, consultations and costs associated with the closure of the existing alignment as well as the dedication and construction of the new alignment are the responsibility of Brockman Resources Limited.**
- b) Design and Construction standards of the new alignment comply with Austroads and Main Roads WA design standards.**
- c) Approved for Construction Drawing be submitted to the Shire of East Pilbara for final approval.**
- d) Brockman Resources Limited will maintain the newly aligned section of the Munjina Roy Hill Road and any other section used for the purpose of its mining operation in a safe and trafficable condition.**
- e) The new alignment will at all times remain a public road under the care, control and management of the Shire of East Pilbara.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
16th March 2012, Marble Bar
- 15 CLOSURE**