



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, 11 DECEMBER, 2015.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Lynne Craigie
Lang Coppin OAM
Anita Grace
Craig Hoyer
Gerry Parsons
Jay Ahmedi
Dean Hatwell
Michael Kitchin
Biddy Schill

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller
Mrs Sheryl Pobrica

Chief Executive Officer
Deputy Chief Executive Officer
Director Technical Development Services
Executive Services Administration Officer

Public Gallery

Mr Andrew Turner

Rio Tinto

2.2 APOLOGIES

Councillor Apologies

Mr Shane Carter

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 RIO TINTO UPDATE

Mr Andrew Turner, Manager Communities and Agriculture will be providing an update on Rio Tinto's Irrigated Agriculture Projects and an update on the Koodiaderi Project.

6 APPLICATIONS FOR LEAVE OF ABSENCE

6.1 COUNCILLOR SHANE CARTER

Councillor Shane Carter wishes to apply for leave of absence for the December 2015 Council meeting.

Email received 24th November 2015 @ 8:39AM

Good morning and Hello Sheryl, as per our phone discussion we had last Thursday 19th November 2015, I will not be back in Newman for the Council Meeting on Friday the 11th December 2015. I have sent both Lynne and Allen emails requesting leave of absence for this Council meeting on the 11th December 2015.

At this stage I will be coming back early January 2016, should there be any further changes I will inform you. Regards Shane Carter

OFFICER'S RECOMMENDATION

THAT Councillor Shane Carter be granted for leave of absence for the 11th December 2015 Council Meeting.

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes October 23 2015 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 23 October 2015, be confirmed as a true and correct record of proceedings.

7.2 PILBARA REGIONAL COUNCIL (PRC) MINUTES 23/11/2015 & SPECIAL MINUTES 30/11/2015

OFFICER'S RECOMMENDATION

THAT the Minutes of the Pilbara Regional Council Ordinary Meeting 23.11.2015 & the Special Meeting 30.11.2015 be received.

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 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - OCTOBER 2015

File Ref: 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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Chief Executive Officer for October 2015 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
6 March 2015	13.1	adsl marble bar Cr Stephen Kiernan asked the Shire to continue to follow up with Telstra regarding ADSL in Marble Bar.	CEO	To discuss options with PDC. Request for Information sent to PDC	On Going
28 August 2015	13.7	Mr Allen Cooper, Chief Executive Officer to follow up. ADSL MARBLE BAR Cr Stephen Kiernan asked again for the Shire to follow up on the possibility of having ADSL installed in Marble Bar. Mr Allen Cooper, Chief Executive Officer explained the situation on ADSL and requests to the Pilbara Development Commission to investigate		Sent again 08/09/2015	
28 August 2015	13.8	CARAWINE GORGE Cr Lang Coppin asked if the Shire of East Pilbara could investigate the possibility of Carawine Gorge becoming an A Class Reserve. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	Meeting with Department of Lands seeking information MDS-P to contact Land Owner	On Going
23 October 2015	12.3.1	EXTENSION OF LEASE KURRA ACCOMMODATION VILLAGE REVIEW	CEO	Minister Redman & BHP verbally advised of outcome	
23 October 2015	14.1	CULTURAL CENTRE NULLAGINE Cr Bidy Schill spoke with Ms Linda Cooper, from Bilju, at the public meeting regarding the possibility of a Cultural Centre in Nullagine. Mr Allen Cooper, asked Cr Bidy Schill, for Ms Linda Cooper to contact the Shire.	CEO	Awaiting on Contact	

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

11 DECEMBER, 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
23 October 2015	14.3	DUST MONITORING NEWMAN Cr Craig Hoyer asked is there difference in licence for dust monitoring in Newman from Port Hedland as lately the dust levels in Newman have risen. Mr Allen Cooper, replied letters have been written to the Department of Environmental regarding the dust levels and increase in new mine site around the township, still waiting for a reply. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	Discussions ongoing with relevant department	

9.1.2 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

File Ref: 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: Nil

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 1995* and the *Local Government (Administration) Regulations 1996*, 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 that 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.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

FINANCIAL IMPLICATIONS

Subject to contractual and statutory arrangements.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. Establish a review panel comprising the Shire President, Cr Lynne Craigie, and the Deputy Shire President, Cr 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 1995*.

**9.1.3 AFFIXING THE COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER DEVELOPMENT SERVICES - PLANNING**

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

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Development Services – Planning.

BACKGROUND

Council recently employed Mr Roy Winslow, Manager Development Services - Planning, for a three year contract term, expiring on 13 October 2018.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 27th June 2003

Objective:
To allow for the proper execution of documents.

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

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

- 1.2.1 Engaged and valued workforce
- 1.2.3 Plan, attract and maintain staff

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Roy Winslow, Manager Development Services – Planning for a term of three years, expiring on the 13 October 2018.

9.1.4 2016 QUEEN'S BIRTHDAY HOLIDAY REQUEST FOR ALTERNATIVE DATES

File Ref: CSV-14-7
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 2016 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 26th September 2016.

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

Local governments interested in having an alternative date declared for the Queen's Birthday public holiday in 2016 should provide a written request which:

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

The written requests should be forwarded to:

Labour Relations Division
Department of Commerce
West Centre Level 5, 1260 Hay Street
WEST PERTH WA 6005

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 in Newman.

The dates for the events in 2016 have been set as;

- Monday 4th July 2016 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 22nd August 2016 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, Labour Relations Division 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



6.7 Council Supported/Recognised Events of Community Interest - DELETED

Version	Item No.	Synopsis
1.	30 November 2007	Adopted by Council
2.	28 August 2015	Deleted by Council – In line with recommendations from the endorsed Events Strategy.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Department of Commerce, Labour Relations Division be advised of the following alternative dates for the Queen’s Birthday holiday 2016.

- 1. Monday 4th July 2015 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 22nd August 2015 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 EASTXWEST FORUM SHENZHEN CHINA APRIL 11 – 13 APRIL 2016

File Ref:	ORG-4-6
Attachments:	Shenzhens Qianhai ZoneCushman Wakefield EN.pdf
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:	Nil

REPORT PURPOSE

For Council to consider attending the EASTxWEST Forum in Shenzhen, China, between the 11th and 13th of April, 2016 organised by the Pilbara Regional Council.

BACKGROUND

The EASTxWEST Forum is an annual event hosted by the Pilbara and Kimberley regions on alternate years.

In previous years it has been called the Pilbara Kimberley (PK) Joint Forum.

The EASTxWEST Forum in 2016 is to be held in Shenzhen, China between April 11-13, 2016 (venue to be finalised). The forum will involve travel Newman or Port Hedland to Perth and on to Shenzhen, and accommodation in China for 3 nights to participate in a 3-day conference.

The event is centred around five streams (cultural exchange, education, investment, tourism, and migration) and will also include a site visit to a successful Chinese special economic zone. The Forum will also offer specific investment matching opportunities for project proponents seeking to attract Chinese investment into projects that contribute to the development of northern Australia.

The event will be held in conjunction with Australia Week in China arranged by Minister for Trade and Investment Hon Andrew Robb AO MP through the Australian Trade Commission. Due to this, the Pilbara Regional Council has put on hold a decision to choose accommodation in Shenzhen at this stage. It will be ascertained whether timely and cost effective to co-locate with the Australia Week in China venue, however Austrade are yet to progress their planning to this stage.

The Pilbara Regional Council remains in close contact with all Partners and Austrade in order to manage this decision carefully, weighing the potential efficiencies of co-location against the timelines for our own invitations.

The Forum offers an avenue to stimulate understanding, collaboration and fresh thinking for the future of the pivotal relationship between China and Australia's North West.

Partner Group:

The Pilbara Regional Council has developed a strong group of Event Partners over the course of several months, and is finalising an agreement with Austrade to be included as an Event Partner.

With the Pilbara Regional Council, the Pilbara Development Commission and the Australian Trade Commission, the EASTxWEST Forum will have representation from all three levels of government. The Kimberley Regional Collaborative Group will ensure that the Kimberley region is well represented, and Kimberley Councils are encouraged to develop further their level of engagement in the Forum.

Combined with the peak Australia-China Business Council in Australia (ACBC WA) and the peak China-Australia Chamber of Commerce in China (AustCham Beijing), the Partner Group is a deeply collaborative body of experts with unique skill sets to offer.

The event will leverage the regional connections the Pilbara Regional Council, the Kimberley Group and Pilbara Development Commission have in the North West to project proponents, and through the direct connections with the Chinese investor community from Partners ACBC and AustCham, facilitate brokered conversations to encourage foreign direct investment in North West projects. Targeted project size has been specifically crafted to fall below the Department of State Development's threshold of \$50 million, and the Pilbara Regional Council believes that it can have a positive influence on the economic development of the region through enhanced cultural connections.

Sponsors:

The Pilbara Regional Council has engaged the business and government communities to gauge their level of interest in financially supporting the event. Thus far, just over two thirds of required funds have been found from organisations such as Curtin University, the Pilbara Development Commission, Singapore Airlines, RSM Australia and Finbar Port Hedland. A whole series of confidential conversations are currently underway with several potential sponsors in order to ensure the event is fully funded. This is complemented by a significant project budget from the Pilbara Regional Council and an expected income from ticket sales.

The Pilbara Regional Council has also been careful in selecting the right sponsors for the event, given its strategic intent and planned activities. As sponsors receive complimentary attendance at the event, the Pilbara Regional Council has ensured that sponsors are selected for their specific expertise and ability to contribute to the event. For example, under a Memorandum of Understanding, sponsorship agreement and State Government-awarded contract, the Pilbara Regional Council will work with the Pilbara Development Commission and RSM Australia to provide project proponents with the necessary advice and services to develop their projects

to an 'Investment Memoranda' stage to ensure high quality business development planning has been done before seeking capital.

Speakers:

The Pilbara Regional Council has sought to develop a strong list of world-class speakers from the region, State and Federal Government and China. Given the recent changes to the dates of the event, the Pilbara Regional Council will be re-confirming the availability of key speakers directly, and developing a draft program for the view of the Partner Group.

Several high profile leaders have been sought out such as Deputy Prime Minister Warren Truss MP, Senator the Hon Michaelia Cash and Former Foreign Minister and current Director of the Australia China Relations Institute at the University of Technology Sydney, Hon Bob Carr. At this stage these speakers are unconfirmed, with the Pilbara Regional Council only receiving initial agreement to put in forward calendars pending availability.

Other speakers who have confirmed their availability to speak at the event (and will need to be re-confirmed) are:

- Hon Ben Wyatt, Shadow Minister for Aboriginal Affairs
- Mr Adam Handley, President, ACBC WA
- Mr Kobus van der Wath, Founder & Group Managing Director, The Beijing Axis
- Mr John Hartley, Director and CEO, Future Directions International
- Professor Allen Dale, Northern Australia Alliance
- Mr Richard Offen, Executive Director, Heritage Perth
- Mr Bruce Cheung, Chairman, Pardoo Beef Corporation
- Mr Jack Archer, CEO, Regional Australia Institute
- Mr Matt Tobin, Managing Director, Urban Art Projects
- Mr Cameron Crowe, Executive Director, Leave No Trace Australia

The Pilbara Regional Council will also seek to align the EASTxWEST Forum's program to take advantage of the potential to share speakers across between the Forum and Australia Week in China activities.

Streams:

The Pilbara Regional Council has identified five streams (cultural, investment, education, migration and site visit) with the intent to discuss the development of the North West in the context of diversification and maturation of the economy. The Forum should also provide Chinese investors with a one-stop-shop of all relevant information about Australia's North West including Special and Premium Investor VISAS, education options, investment opportunities and cultural experiences unique to the region.

On the expert advice of Event Partner ACBC through their President Adam Handley, event is subtitled "A Trade, Investment and Cross-Cultural Exchange", and has been

described by Pilbara Regional Council CEO Tony Friday as “cultural connections as precursors to commercial connections.” In this way the streams should not be interpreted as separate trains of thought or segments of the Forum, but rather as the overarching Forum themes.

Additional stakeholder engagement:

Along with the world-class advice provided by partners such as ACBC through their President and Managing Partner of Minter Ellison law firm, Adam Handley, the Pilbara Regional Council has sought external counsel. This has come mainly from department heads and industry experts, and is in order to provide the event with a solid foundation of support, layers of fact-checking and various levels of expertise otherwise unavailable to the project.

To date the Pilbara Regional Council has met with and discussed the project with the Department of State Development, the Department of Foreign Affairs and Trade, the Office of the Minister of Trade and Investment, the Australian Trade Commission, the China-Australia Chamber of Commerce and Industry, the Chamber of Commerce and Industry WA and Office of Western Australia in Beijing.

Target Audience

The EASTxWEST Event has been developed as an “invite-only” event, with the intention of having “the right people in the same place at the right time” for the purpose of developing the North West. There has, however, been some robust discussion around the appropriateness of the attendance of Chinese delegates, what costs they would have to pay and what Government official would be most appropriate to invite. Expert counsel from ACBC staff has led to the development of a Chinese-language “Forum Snapshot” outlining exactly what benefit the event may be to potential Chinese delegates.

This issue remains very much open for debate and discussion amongst the Partner Group, and will continue to be shaped by various views over the course of the next month. The PRC believes that each Partner can contribute to the event through recommending delegates. Organisation like ACBC and AustCham - who have extensive connections in China - have been encouraged to make recommendations to the Group on which Chinese officials or organisations should be invited.

The PRC continues to rely on each Partner’s area of expertise and unique perspective to formulate a delegate list that will best suit the economic development, cultural exchange and knowledge sharing functions of the event. This invitation list will also be carefully crafted to ensure the right members of the Chinese investor community are present at the event, dependent upon the exact content, number and types of project proponents that Event Partner the Pilbara Development Commission recommends.

COMMENTS/OPTIONS/DISCUSSIONS

Travel will be arranged by the Pilbara Regional Council with flights through Singapore Airlines (sponsor of the event) and with the assistance of STA Travel as a travel agent.

The Pilbara Regional Council will take carriage of organising the event, and registration covers all associated costs and planning such as flights, accommodation and catering.

The cost of registration is significantly subsidised by the PRC, with each registration ticket being close to \$1,000 less than the cost to the budget for 1 delegate's attendance.

- Option 1: As per the Officer's recommendation; or
- Option 2: Other variations of the Officer's recommendation as Council sees fit; or
- Option 3: That Council resolves to have no involvement with the EASTxWEST Forum.

Attendees will require a visa (\$60) and a current passport to attend the Forum.

Council is a member of the Pilbara Regional Council along with the Shire of Ashburton, the Town of Port Hedland and the City of Karratha.

Recent Attendance at Joint Forums

Council has most recently attended the Pilbara Kimberley Forum in 2015 in Darwin, NT, at a cost of approximately \$3,800 per person and in 2014 in Jakarta, Indonesia at a cost of approximately \$1,800 per person. Attendance at the annual WALGA convention in Perth is approximately \$4,200 per person.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
 - 1.1.2 Continued strong financial management
 - 1.1.3 Effective business management

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.2 Build strong community groups, networks and governance

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

This item is relevant to the PRC's approved Strategic Community Plan and Corporate Business Plan. In particular the Operational Plan provided for this activity:

This item is relevant to the Pilbara Regional Council's Key Focus Area: '**A VOICE FOR THE PILBARA**'. In particular, to the following objectives: 'We will work with other organisations and agencies to promote the Pilbara Region'.

This item is relevant to the 'Diverse and Robust Small to Medium Sized Businesses' regional pillar which forms part of the '**VALUE-ADDING**' approach to growth and development of the Pilbara Regional Development Blueprint. In particular, to the following objectives:

- The Pilbara is recognised internationally as an attractive, safe and stable place to do business

This item is also relevant to the 'Tourism and Agriculture & Aquaculture' regional pillars which form part of the '**DIVERSIFYING**' approach to growth and development of the Pilbara Regional Development Blueprint. In particular, to the following objectives:

- High-Value Agriculture and Cropping,
- Aquaculture, Algae Biofuels and Co-products,
- Nature-Based Tourism, and
- Heritage and Aboriginal Tourism Development.

FINANCIAL IMPLICATIONS

Attendance costs are \$1,500.00 (incl. GST) per person as arranged by the Pilbara Regional Council any deviations by attendees will be covered by the attendee. This cost covers return flights ex Perth, return from the event, accommodation, registration and catering.

Plus the travelling/flight and accommodation costs from Marble Bar, Nullagine and Newman for each Councillor. Total cost per person could be approximately \$3,500 including intrastate travel and accommodation.

Councillors

GL#41007 Conference and Seminar Expenses budget \$52,000 spent as at 26/11/2015 \$24,735 balance \$27,265.

GL#41013 Councillor Training Expenses budget \$10,400 spent a at 26/11/2015 \$2,350 balance \$8,050 – not considered an appropriate spend due to new Councillors requiring access to training.

Staff

GL#41103 Conference and Meeting Expenses budget \$36,400 spent as at 26/11/2015 \$14,950 balance \$21,450.

If all Councillors were authorised to attend then the total cost could be as high as \$38,500 exceeding Councils unspent funds for Conference and Seminar expenses and would have to be authorised as unbudgeted expenditure.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- **Support attendance at the EASTxWEST Forum in Shenzhen, China, between the 11th and 13th April 2106;**
- **Nominate Councillor/s and (number of staff) staff to attend;**
- **Attendees be required to submit a report on their attendance including benefits to the individual, the Shire, the Pilbara and the State within one (1) month of returning from the conference.**

9.1.6 AMENDMENT TO POLICY MANUAL

File Ref: LEG-2-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider removing several staff policies from the Policy Manual.

BACKGROUND

Pursuant to section 5.41 of the *Local Government Act 1995*, the CEO is responsible for the 'employment, management, supervision, direction and dismissal of other employees.' Therefore, there is no need for matters relating to employees to be in the Policy Manual for Council to approve and vote upon.

It is recommended that these policies relating to staff matters be deleted and moved into a separate 'Staff Policy Manual', which will not require the approval or consideration of Council.

COMMENTS/OPTIONS/DISCUSSIONS

A separate agenda item has been presented creating a new policy for inclusion in the Policy Manual – the Human Resources Policy. This policy will allow for the creation of a separate 'Staff Policy Manual' which will house all policies relating to employee matters.

The following table lists the policies which will be moved to the new 'Staff Policy Manual' and therefore **deleted** from the 'Policy Manual.'

No.	Title	Comments
2.1	Acquired Immune Deficiency Syndrome	Delete. This policy was adopted in 2003. It may have been relevant at the time however; the Equal Opportunity Policy should cover this topic now. I see no reason to single out a particular disease and have a policy for it.
2.2	Apprenticeships/Traineeships – contract expiration	Retain.
2.5	Dispute Settlement Procedure	Delete. See new 'Workplace Harmony' Policy and Grievance Settlement Procedure.

2.6	East Pilbara Allowance – Non contract Employees	Retain.
2.7	East Pilbara Allowance – Contract Employees.	Retain.
2.8	Electricity Subsidies	Retain.
2.9	Equal Opportunity Policy	Retain.
2.10	Executive Days Off (EDO's) – Designated Senior Employees and Contracted Employees	Retain.
2.12	Homeswest Housing	Retain.
2.13	Housing Tenancy Agreements	Delete. Incorporated into 'Staff Housing Allocation' Policy.
2.14	Leave for Defence Force Reserves	Retain.
2.15	Long Service Award	Retain.
2.16	Loss of Drivers Licence	Retain.
2.17	Medical Examinations	Retain.
2.18	New and Casual Positions	Deleted.
2.19	Paid Leave on Voluntary Service	Retain.
2.20	Productivity Incentive Scheme	Retain.
2.21	Redundancy	Retain.
2.22	Rental Salary Sacrificing	Retain.
2.23	Sexual Harassment Claims and Grievance Procedures	Delete. Incorporated into new 'Workplace Harmony' Policy.
2.24	Sexual Harassment – Policy Statement	Delete. Incorporated into new 'Workplace Harmony' Policy.
2.25	Occupational Health and Safety Policy	Retain.
2.26	Staff Benefits Senior Staff Insurance Cover	Retain.
2.27	Staff Housing Allocation	Retain.
2.28	Staff Uniform	Retain.
2.29	Staff Use of Creche and Out of School Hours Care Facilities	Retain.
2.30	Staff Use of Recreation Facilities	Retain.
2.31	Superannuation Schemes	Retain.
2.32	Training	Delete. Incorporated into new 'Learning & Development' Policy.
2.33	Travel Assistance Options – Annual Leave	Retain.
2.34	Use of Council Equipment	Retain.
2.35	Utility Subsidies for Employees Not in Council Owned Accommodation	Retain.
2.36	Water Subsidies	Retain.
2.37	Post Graduate Studies/Further Education	Delete. Incorporated into new 'Learning & Development' Policy.
2.38	Local Government Leave Days Policy	Retain.

The following policies will **remain** in the Policy Manual:

No.	Title	Comments
-----	-------	----------

2.3	Councillor and Senior Staff Representation at Functions and Events	Leave in Policy Manual as per Allen's request.
2.4	Designated Senior Employees and Contracted Employees	This Policy should remain in the Policy Manual. S5.37 of the LGA states that a <u>Local Government</u> may designate employees to be senior employees. Therefore, Council must make this decision.
2.11	Gratuity Policy	The Gratuity Policy should remain in the Policy Manual because s5.50(1) of the LGA states that, 'a <u>Local Government</u> is to prepare a policy...' Therefore, Council must make this decision.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

New policy making guidelines:

1. Draft policies are to be in standard format and include policy objectives and the policy statement.
2. Discuss reasons for the policy with your supervisor and prepare an amended/final draft.
3. The policy is to be presented and discussed at the Executive Management meeting.
4. The policy is to be presented at Corporate Discussion for input from Councillors.
5. The policy will then be presented to Council for adoption and inclusion in the Policy Manual.

NOTE: New policies or major amendments will not be permitted at the annual review of the Policy Manual.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the following policies to be deleted from the Policy Manual:

No.	Title
2.1	Acquired Immune Deficiency Syndrome
2.2	Apprenticeships/Traineeships – contract expiration
2.5	Dispute Settlement Procedure
2.6	East Pilbara Allowance – Non contract Employees
2.7	East Pilbara Allowance – Contract Employees.
2.8	Electricity Subsidies
2.9	Equal Opportunity Policy
2.10	Executive Days Off (EDO's) – Designated Senior Employees and Contracted Employees
2.12	Homeswest Housing
2.13	Housing Tenancy Agreements
2.14	Leave for Defence Force Reserves
2.15	Long Service Award
2.16	Loss of Drivers Licence
2.17	Medical Examinations
2.18	New and Casual Positions
2.19	Paid Leave on Voluntary Service
2.20	Productivity Incentive Scheme
2.21	Redundancy
2.22	Rental Salary Sacrificing
2.23	Sexual Harassment Claims and Grievance Procedures
2.24	Sexual Harassment – Policy Statement
2.25	Occupational Health and Safety Policy
2.26	Staff Benefits Senior Staff Insurance Cover
2.27	Staff Housing Allocation
2.28	Staff Uniform
2.29	Staff Use of Crèche and Out of School Hours Care Facilities
2.30	Staff Use of Recreation Facilities
2.31	Superannuation Schemes
2.32	Training
2.33	Travel Assistance Options – Annual Leave
2.34	Use of Council Equipment
2.35	Utility Subsidies for Employees Not in Council Owned Accommodation
2.36	Water Subsidies
2.37	Post Graduate Studies/Further Education
2.38	Local Government Leave Days Policy

9.1.7 NEW POLICY - HUMAN RESOURCES POLICY

File Ref:	LEG-2-1
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider adopting a new policy – the Human Resources Policy – as attached.

BACKGROUND

The purpose of this policy is to improve and develop Shire of East Pilbara staff resources through the continuous development and implementation of policies, guidelines and procedures. A separate 'Staff Policy Manual' will be developed which will contain all matters relating to employees. Those policies already in the 'Policy Manual' which relate to employee matters shall be moved into the new 'Staff Policy Manual.' A separate agenda item has been presented for this.

COMMENTS/OPTIONS/DISCUSSIONS

The development of this Human Resources Policy and associated Staff Policy Manual, has been in the making for some time. Pursuant to section 5.41 of the *Local Government Act 1995*, the CEO is responsible for the 'employment, management, supervision, direction and dismissal of other employees.' Therefore, there is no need for matters relating to employees to be in the Policy Manual for Council to approve and vote upon.

The draft Human Resources Policy was presented to the Executive.

The draft Human Resources Policy was presented at Corporate Discussion on 11th December 2015. Council can support, not support or amend the Policy.

STATUTORY IMPLICATIONS/REQUIREMENTS

No statutory implications/requirements.

There are no obligations in the *Local Government Act 1995*, to have a Staff Policy Manual.

POLICY IMPLICATIONS

New policy making guidelines:

6. Draft policies are to be in standard format and include policy objectives and the policy statement.
-

7. Discuss reasons for the policy with your supervisor and prepare an amended/final draft.
8. The policy is to be presented and discussed at the Executive Management meeting.
9. The policy is to be presented at Corporate Discussion for input from Councillors.
10. The policy will then be presented to Council for adoption and inclusion in the Policy Manual.

NOTE: New policies or major amendments will not be permitted at the annual review of the Policy Manual.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the Human Resources Policy as attached below.

1.1 Human Resources Policy

Responsible Directorate	Executive
Responsible Officer	Manager Human Resources
File Number	ADM-1-17

Objective

To improve and develop Shire of East Pilbara staff resources through the continuous development and implementation of policies, guidelines and procedures.

Policy

1. The Shire of East Pilbara will develop, implement and maintain a separate 'Staff Procedures Manual' which will operate under the following principles:
 - Policies will be designed to build and retain a skilled, motivated and healthy workforce;
 - All employees will receive fair, consistent and equitable treatment in all aspects of personnel management;
 - Employees are entitled to know the Shire's objectives and standards for their particular area of responsibility, and to know what is expected of them;
 - Recruitment, selection and promotion will be merit based. Merit means that the best qualified person in terms of skills, qualifications, and relevant experience necessary for the position is chosen;
 - All employees have access to fair and consistent redress for grievances;
 - Appropriate training and development opportunities will be available to all employees to ensure that work is useful and stimulating;
 - All individual personnel matters will be kept confidential;
 - All employees will be provided with safe and healthy working conditions;
 - All employees will receive fair terms and conditions of employment based on the relevant Award; and
 - All necessary steps will be taken to ensure that Shire staff maintain proper standards of integrity, conduct and concern for the public interest.

2. The Shire of East Pilbara 'Staff Procedures Manual' will support the Shire's Strategic Workforce Plan, Corporate Business Plan and Strategic Community Plan.
3. The 'Staff Procedures Manual' will be maintained by the Manager Human Resources, with approval from the Chief Executive Officer. This Policy recognises that the CEO has authority under the *Local Government Act 1995* (s5.41(g)) to make decision on all employment matters and where appropriate, the delegation of that authority.
4. The 'Staff Procedures Manual' will be reviewed yearly.

NOTE: This Policy shall be read in conjunction with the Staff Procedures Manual and associated Guidelines, Procedures and Work Instructions.

References	Strategic Workforce Plan Corporate Business Plan Strategic Community Plan <i>Local Government Act 1995, s5.41(g)</i>		
Related Documents	Staff Procedures Manual		
Date Adopted by Council		Item No	
Review/Amendment Date		Item No	
Next Review			

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - OCTOBER 2015

File Ref: 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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community

engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for October 2015 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 October 2014	13.1	SPORTING COMPLEX MARBLE BAR FIVE YEAR PLAN Cr Dean Hatwell asked if the electrical works can be included in the five year plan for the sporting complex. Ms Sian Appleton, Deputy Chief Executive Officer answered yes this will be included in the five year plan as appropriate.	CDS-Rural	CDS-Rural undertaking – after survey completed to identify priorities	March 2016
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire 16 th June 2015 and staff will be discussing the agreement with the Department of Education.	DCEO	With State Solicitors	December 2015
6 March 2015	13.9	NULLAGINE GYM Cr Bidy Schill asked if there was an alternative to the pub holding the key to the gym as people cannot use the gym while pub is closed and also people are using the gym without paying. Ms Sian Appleton said they are looking into this with different options eg: CRC	DCEO	Still being investigated	December 2015

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

11 DECEMBER, 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Nullagine holding the key and taking payments for the use of the gym.			
28 August 2015	13.1	<p>NEWMAN NETBALL COURTS Cr Gerry Parsons asked where the Shire of East Pilbara is with the repairs to the Newman Netball Courts, as the Northwest Championships are going to be held in Newman for 2016 and require the Courts to be fixed. Deputy Chief Executive Officer, Ms Sian Appleton replied that we are waiting on the supplier to undertake repairs and we will be contacting the Newman Netball Association to advise of progress.</p>	DCEO	Quotes received Newman Netball Association have been invited to discuss options	November 2015

9.2.2 AGREEMENT FOR USE OF NEWMAN FUNKY BUS - YMCA

Attachments:	Agreement - Funky Bus 2016 - YMCA.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Luisa Viliafi Coordinator Youth Centre
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council approval to enter into the Agreement for Use of the Newman Funky Bus with the Young Men's Christian Association of Perth Incorporated (trading as YMCA Newman Early Learning Centre) for the period of one year commencing on 1st January, 2016 and expiring on the 31st December, 2016, with an option of a further term of one year.

BACKGROUND

The Shire of East Pilbara previously entered into an Agreement with YMCA on the 2nd February, 2015 which will expire on the 17th December, 2015. There was no option for a further term.

The terms of the new Agreement will be:

Vehicle

White Toyota Hiace Commuter Bus – Registration 135-EPS (Plant No 81406)

Permitted Use

Transport of children to and from YMCA Out of School Care and schools located in Newman.

Term & Further Term of Licence

Term – One year - commencing 1st January, 2016 to 31st December, 2016

Further Term – One year – commencing 1st January, 2017 and expiring 31st December 2017

Vehicle Storage Location

Shire of East Pilbara's Newman Youth Centre

Prescribed Hours

(a) Times: 0745 – 0815 and 1400 – 1500 hours on the Days described below

(b) Days:

Term: Monday to Friday during School Terms 1 – 4 in 2016 being:

(i) Term 1 – Wednesday 1 February - Friday 8 April

(ii) Term 2 – Tuesday 26 April - Friday 1 July

(iii) Term 3 – Monday 18 July - Friday 23 September

(iv) Term 4 – Monday 10 October – Thursday 15 December

Further Term: Monday to Friday during School Terms 1 – 4 in 2017 being:

(i) Term 1 – Wednesday 1 February - Friday 7 April

(ii) Term 2 – Monday 24 April - Friday 30 June

(iii) Term 3 – Monday 17 July - Friday 22 September

(iv) Term 4 – Monday 9 October – Thursday 14 December

The Prescribed Hours may be varied by agreement of the parties from time to time.

COMMENTS/OPTIONS/DISCUSSIONS

Prior to the expiry of the new Agreement, (31st December, 2016), the YMCA will be required to put in writing to the Shire that they request to enter into the Agreement for the further period of one year, or advise in writing that they do not wish to enter into the further period.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 Promote diverse, harmonious and caring communities

Responsible officer: MCW

Timing: 1-3 years

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Approve entering into the Agreement for Use of the Newman Funky Bus with the Young Men's Christian Association of Perth Incorporated (trading as YMCA Newman Early Learning Centre) for the period of one year commencing on 1st January, 2016 and expiring on the 31st December, 2016, with an option of a further term of one year.**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Agreement for Use of the Newman Funky Bus between the Shire and the Young Men's Christian Association of Perth Incorporated (trading as YMCA Newman Early Learning Centre).**

9.2.3 FUNDRAISING FOR CHARITIES ASSOCIATED WITH THE 2015 NEWMAN TRIATHLON

Attachments: [Healthway Sponsorship Acquittal.pdf](#)
[Meeting minutes 8 April.pdf](#)
[Meeting minutes 15 April.pdf](#)
[Shire Facebook page advertisement.pdf](#)

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

Author: **Mr Pip Parsonson**
Manager Community Wellbeing

Proposed Meeting Date: **11 December 2015**

Location/Address: **N/A**

Name of Applicant: **N/A**

Author Disclosure of Interest: **Nil**

REPORT PURPOSE

To seek Council approval to donate \$1,325.00 raised through the 'Act-Belong-Commit' Newman Triathlon held in May 2015 to the National Breast Cancer Foundation and to donate \$1,065.00 raised through the "Act-Belong-Commit" Newman Fun Run held in September to Beyond Blue.

To seek Council direction on the matter of raising funds at future Shire events for distribution to charitable organisations.

BACKGROUND

In April of this year the Shire signed a Health Promotion Sponsorship Agreement of \$7,000 with Healthway to run three events. The events were,

- Newman Triathlon on 10 May
- Newman Fun Run in August, and
- Triathlon in Marble Bar in September.

The Priority Health Area of the Healthway's sponsorship is "Promoting good community and individual mental health."

All events were held as planned and the Healthway Health Promotion Sponsorship Agreement was acquitted in September of this year. The total cash cost of running the Newman Triathlon alone was \$9,428.27. (Annexure 1). The Shire contributed a significant in-kind contribution.

Independent of the Healthway agreement was some discussion by the Organising Committee of the events, (The Organising Committee comprised the previous Manager – Recreation and Events, staff of that section and two external community members), on donating proceeds of at least the Newman Triathlon to charity.

Initially at a meeting of the Organising Committee on 8 April it is noted that research was to be conducted on the “Mcgrath (sic) Foundation as (a) recipient” of proceeds, (Annexure 2.). At the Organising Committee’s meeting on 14 April a recommendation was made that the charity Beyond Blue would receive proceeds from the event. (Annexure 3)

An anomaly appears in promotional material for the Newman Triathlon posted on the Shire’s Facebook page clearly stated that the triathlon was “Raising funds and awareness for the Breast Cancer Foundation”. (Annexure 4).

The figure of \$1,325.00 is from entry fees for the Newman Triathlon held on 10 May and is being held in a shire holding account. A further \$1,065.00 is being held in a holding account derived from entry fees from the Newman Fun Run (which was held in September).

COMMENTS/OPTIONS/DISCUSSIONS

The cost of running the three events as specified in the Healthway Health Promotion Sponsorship Agreement was well above the \$7,000.00 contribution by Healthway. The Shire met the additional costs. Any disbursement of income, in the form of a charitable donation, derived from the events does not appear to contravene the Healthway agreement.

Importantly, as promotional material was placed on the Shire’s Facebook page stating that the triathlon was “Raising funds and awareness for the Breast Cancer Foundation” it is recommended that the Shire honour this public pledge. It is therefore recommended that the National Breast Cancer Foundation be the recipient of the \$1,325.00 raised at the Newman Triathlon.

As it was the Organising Committee’s original intention and in keeping with the Healthway’s sponsorship message of “Act, Belong. Commit” it is recommended that the Fun Run proceeds of \$1,065.00 be donated to Beyond Blue.

To assist the process relating to donations to charitable organisations it is recommended that a Shire Event Fundraising Policy be written and adopted and that as a minimum requirement of the Policy, future Shire event organising committees that intend to raise funds for charity undertake the following steps.

1. Formally liaise with any funding body associated with the event on the question of fundraising to determine appropriateness, key messaging and recommended recipients.
2. Invite the Council to nominate a Councillor to sit on the event Organising Committee, and
3. Prepare an agenda item to Council with recommendations on recipient(s) of intended funds raised for endorsement.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

NIL

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.3 Engaged community
- 1.3.1 *Increase community awareness*
Responsible officer: MCW
Timing: 1 year

Goal 2 – Social – Planned Actions

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

- 2.1 Health and recreation
- 2.1.1 *Promote safe and healthy communities*
Responsible officer: MCW
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve a donation of \$1,325.00 raised through the 'Act-Belong-Commit' Newman Triathlon held in May 2015 to the National Breast Cancer Foundation.**
- 2. Approve a donation of \$1,065.00 raised through the 'Act-Belong-Commit' Newman Fun Run held in September 2015 to Beyond Blue.**
- 3. Endorse the creation of a Shire Event Fundraising Policy.**

9.2.4 PROPOSED AUDIT COMMITTEE DATES FOR 2016

File Ref: FIN-21-2
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
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 meetings for the 2016 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 the 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

Local Government Act 1995

Part 5 - Administration (Division 2 - Meetings) (Subdivision 3 - Matters affecting meetings) 5.25. Regulations about council and committee meetings and committees (pg 141)

(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;

Local Government (Administration) Regulations 1996

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

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.”

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2016 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
25th February 2016	4th Thursday	8:00am	Newman
9th June 2016	2nd Thursday	8:00am	Newman
8th September 2016	2nd Thursday	8:00am	Newman
24th November 2016	4th Thursday	8:00am	Newman

9.2.5 AUDIT COMMITTEE REPORT - 3 DECEMBER 2015

Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

BACKGROUND

The Audit Committee met on the 3rd December 2015 and the minutes of that meeting are attached.

COMMENTS/OPTIONS/DISCUSSIONS

Role of the Audit Committee

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Committee minutes.

POLICY IMPLICATIONS

Refer to attached Committee minutes.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council consider the following recommendations as presented the Audit Committee:-

AUDIT COMMITTEE RECOMMENDATION 1:

THAT Council accept of the Budget Review for the 31st October 2015 as set out.

AUDIT COMMITTEE RECOMMENDATION 2:

THAT Council accept the Audited Annual Financial Statements for the year ended 30 June 2015.

9.2.6 BUDGET REVIEW – 31 OCTOBER 2015

Attachments:	Budget Review as at 31 October 2015
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider and accept the budget review as at 31 October 2015.

BACKGROUND

Normally Council completes one budget review based on figures to the 31 January, however owing to known significant changes in Council's rates income it was decided to complete an additional review based on the 31 October 2015 figures. The attached report outlines projected variance with the 2015/2016 budget and proposed changes to the budget and brief explanation of why the changes are required. Also attached is a nineteen page report detailing projected actual figures to 31 October and variance against budget figures.

There are three sections to the budget review attachment:

1. A financial activity report outlining variance against project actuals and the 2015/2016 budget.
2. A reconciliation of projected actual capital expenditure against the 2015/2016 budget.
3. Projected net assets as at 30 June 2016.

COMMENTS/OPTIONS/DISCUSSIONS

The Deputy Chief Executive Officer will provide an overview and explanation as required of how to interpret the Budget Review.

There were only minimum variances in the operating and capital budget. The main reduction was in the projected rates income. This is substantially down on budget owing to the amount of interims received. Currently rate income is down \$330,000 and interest is down \$90,000.

This reduction in income can be covered by the reduction in wages expenditure owing to current staff vacancies.

Excluding noncash items and funding programmes a surplus of approximately \$80,600 is currently forecast compared to an original surplus of \$90,000. It is therefore recommended that only the minimal changes to the budget occur.

STATUTORY IMPLICATIONS/REQUIREMENTS

33A. Review of budget

(1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*

(2A) *The review of an annual budget for a financial year must —*

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

(3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

1.1.2 Continued strong financial management

Responsible officer: DCEO

Timing: 1 year

FINANCIAL IMPLICATIONS

It is expected that Council will bring forward a surplus of approximately \$80,600 into the 2016/2017 year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council accept the Budget Review for the 31st October 2015 as set out.

9.2.7 ANNUAL AUDITED FINANCIAL STATEMENTS 2014/15

Attachments:	Annual Audited Financial Statement 201415
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to review the audited Annual Financial Statement for the year ended 30 June 2015, and accept the Audited Annual Financial Statement for the year ended 30 June 2015 as presented.

BACKGROUND

For the Audit Committee to review the audited Annual Financial Statement for the year ended 30 June 2015, and to recommend to Council that the information be received.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire's Annual Financial Audit for the year ended 30 June 2015 received an unqualified audit report (ie a 'clean' audit) and it stated:

Audit Opinion

"In our opinion, the financial report of the Shire of East Pilbara:

- i. Gives a true and fair view of the financial position of the Shire of East Pilbara as at 30 June 2015 and of its performance for the year ended on that date; and*
- ii. Complies with Australian Accounting Standards (including the Australian Accounting Interpretation); and*
- iii. Is prepared in accordance with the requirements of the Local Government Act 1995 Part 6 (as amended), and Regulations under that act; and*
- iv. The following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions –*
 - a. The asset consumption ratio; and*
 - b. The asset renewal funding ratio"*

STATUTORY IMPLICATIONS/REQUIREMENTS

The relevant sections of the Local Government Act 1995 are:

- 7.9. Audit to be conducted
-

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to –
 - (a) the mayor or president;
 - (b) the CEO of the local government; and
 - (c) the Minister

7.12A. Duties of local government with respect to audits

- (3) A local government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9 (3) forwarded to it, and is to –
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under 7.9 is received by the local government, whichever is the latest time.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council accept the Audited Annual Financial Statements for the year ending 30 June 2015 as presented.

**9.2.8 CHANGE IN METHOD OF VALUATION - CHICHESTER METALS PTY LTD
(KARNTAMA VILLAGE)**

File Ref: A3005660
Attachments: [Karntama Village Objection Letter.pdf](#)
[Resource Rating Policy to Continue.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Tracy Pooley
Rates Revenue Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the objection letter from Fortescue Metals Group (FMG) and to resubmit an application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value, for the portion of Exploration Licence No. E46/566 containing Karntama Accommodation Village.

BACKGROUND

Pursuant to Circular No. 29-2011, the Minister of Local Government has approved the implementation on the application of Gross Rental Valuation (GRV) for mining, petroleum and resource interests. GRV will apply to relevant interests and resource interests only in respect of particular improvements including accommodation, recreation and administration facilities, associated buildings and maintenance workshops. High value operational and processing plant will be excluded from the GRV calculation.

COMMENTS/OPTIONS/DISCUSSIONS

Karntama Village is owned by Chichester Minerals on an Exploration Licence. The village provides accommodation for up to 1600 people, and the approximate annual rate levy, provided by the Valuer General, on a gross rental valuation of \$5,720,000, would be \$400,400 per annum. The current rating status of A3005660 is that a rate was levied on the basis of an unimproved valuation of \$17,399 at 18.1405c/\$ equalling \$3,156.27.

An objection letter from Damon Edwards Manager Acquisitions and Tenements from Fortescue Metals Group (Chichester Metals Pty Ltd) was received 8 September 2015 and is attached for Councils information.

Upon Council agreeing to resubmit another application for a change in valuation method, a process would then be undertaken to collate relevant information and initiate consultation with the owner, for submission to the Minister, for his approval.

The effective date of revaluation and interim rating would be the date of Ministerial Approval.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 1 - Introduction and basis of rating) 6.28. Basis of rates (pg 230)

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 1 - Introduction and basis of rating) 6.29. Valuation and rates on mining and petroleum interests (pg 231)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council:

- a) consider the letter of objection from Fortescue Metals Group (FMG) and;**
- b) agrees to resubmit the application to the Minister for Local Government to change the method of valuation on A3005660 Chichester Minerals Pty Ltd from unimproved to gross rental and upon approval calculate the interim rating levy effective from the date of that approval.**

**9.2.9 CHANGE IN METHOD OF VALUATION - NEWCREST OPERATION LTD
(TELFER MINE ACCOMMODATION)**

File Ref: A605011
Attachments: [Resource Rating Policy to Continue pdf](#)
[Telfer Objection Letters.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Tracy Pooley
Rates Revenue Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the objection letter from Newcrest Mining Limited and to resubmit an application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value, for the portion of Exploration Licence No. M45/8 containing Telfer Mine Accommodation.

BACKGROUND

Pursuant to Circular No. 29-2011, the Minister of Local Government has approved the implementation on the application of Gross Rental Valuation (GRV) for mining, petroleum and resource interests. GRV will apply to relevant interests and resource interests only in respect of particular improvements including accommodation, recreation and administration facilities, associated buildings and maintenance workshops. High value operational and processing plant will be excluded from the GRV calculation.

COMMENTS/OPTIONS/DISCUSSIONS

Telfer Mine Accommodation is owned by Newcrest Operation Ltd on a Mining Lease. The village provides accommodation for up to 1,733 people, and the approximate annual rate levy, provided by the Valuer General, on a gross rental valuation of \$2,950,000 would be \$206,500.per annum The current rating status of A605011 is that a rate was levied on the basis of an unimproved valuation of \$80,500 at 18.14012c/\$ equalling \$14,603.10.per annum In 2014/2015 the approximate annual rate levy provided by the Valuer General, on a gross rental valuation of \$11,320,296 would be \$369,958.59.per annum The previous rating status of A605011 is that a rate was levied on the basis of an unimproved valuation of \$78,500 at 17.6989c/\$ equalling \$13,893.64.per annum

An objection letter from Steve Cowle General Manager from Telfer Operations Ltd was received 25 August 2015.and is attached for Councils information; Steve Cowle also had a meeting with CEO Allen Cooper on 14 July 2015.

Upon Council agreeing to resubmit another application for a change in valuation method, a process would then be undertaken to collate relevant information and initiate consultation with the owner, for submission to the Minister, for his approval. The effective date of revaluation and interim rating would be the date of Ministerial Approval.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 1 - Introduction and basis of rating) 6.28. Basis of rates (pg 230)

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 1 - Introduction and basis of rating) 6.29. Valuation and rates on mining and petroleum interests (pg 231)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council:

- a) consider the letter of objection from Newcrest Mining Limited and;**
- b) agree to resubmit the application to the Minister for Local Government to change the method of valuation on A605011 Newcrest Operations Ltd from unimproved to gross rental and upon approval calculate the interim rating levy effective from the date of that approval.**

9.2.10 MONTHLY FINANCIAL STATEMENTS - SEPTEMBER 2015

Attachments:	September 2015 Variance Report.doc September 2015 Financial Report
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro 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 13-page report details the financial activities of the Council for the period 1 September 2015 to 30 September 2015 of the 2015/2016 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/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 September 2015 to 30 September 2015 of the 2015/2016 financial year as presented be received.

9.2.11 MONTHLY FINANCIAL STATEMENTS - OCTOBER 2015

Attachments:	October Financials.pdf October 2015 Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro 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 13-page report details the financial activities of the Council for the period 1 October 2015 to 31 October 2015 of the 2015/2016 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:

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 October 2015 to 31 October 2015 of the 2015/2016 financial year as presented be received.

9.2.12 CREDITORS FOR PAYMENT

File Ref: FIN10-2
Attachments: [Schedule of Accounts Chq.pdf](#)
[Schedule of Accounts EFT.pdf](#)
[Schedule of Accounts Manual Cheque.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Jeanette Bessell
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 23/10/15.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	#30581 to #31229	5,915,146.39
	Total	\$5,915,146.39
Cheque Payments	# 23824 to # 23873	72,017.26
Manual Cheque Payments	#250 to # 253	39,053.64
	Total	\$111,070.90
	GRAND TOTAL	\$6,026,217.29

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

NIL

CANCELLED CHEQUES & EFTS

EFT30705,EFT31004,EFT31130 and EFT31161

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 \$6,026,217.29

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

FUND	VOUCHER	AMOUNT
EFT Payments	#30581 to #31229	5,915,146.39
	Total	\$5,915,146.39
Cheque Payments	# 23824 to # 23873	72,017.26
Manual Cheque Payments	#250 to # 253	39,053.64
	Total	\$111,070.90
	GRAND TOTAL	\$6,026,217.29

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - OCTOBER 2015

File Ref: CLR-4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community

engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Director Technical and Development Services for October 2015 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION 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 e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MDSP	Action Plan to be developed to seek funding for tourist strategy	In Progress
24th July 2015	13.3	NULLAGINE – BLUE HOUSE Cr Bidy Schill asked who does the Blue House belong too as it is empty and could be used by community groups/members of the public. Can a letter be written to ask what they intend doing to the Blue House. Ms Sian Appleton, Deputy CEO replied it is owned by the Department of Housing and letter will be written.	MDS-Building	MDS-Building Letter to Department of Housing has been written. A second letter has been sent.	Awaiting response
23 October 2015	14.2	CAUSEWAY – NULLAGINE Cr Bidy Schill asked is there anything that can be done to stop the children from swimming under the causeway as it is very dangerous. Mr Rick Miller replied he will	DTDS MTS-R	MRWA to be advised of concerns and requested to action	December 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>Speak with WA Main Roads regarding Cr Bidy concern.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>			
23 October 2015	14.4	<p>SOLAR SPEED SIGN KALGAN DRIVE Cr Anita Grace said the speed sign on Kalgan Drive is still not working.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>	MTS-N	It has been repaired and working	Completed
23 October 2015	14.5	<p>SIGNS FOR PARKING OF TRUCKS AND CARAVANS Cr Anita Grace asked if signs can be put up at the town centre so trucks and caravans know where they can park.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>	DTDS	Investigating areas for extra parking and identifying supporting signage. Signage review broadened to include town centre	December 2015
23 October 2015	14.6	<p>KALGAN DRIVE INFORMATION STOP Cr Jay Ahmedi asked if the Perspex on the information board at the entrance of Kalgan Drive can be replaced as it has been vandalised.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>	DTDS	Inspected and there was no damage	Completed

9.3.2 CONTROLLED PARKING - RESIDENT CONCESSION CARDS

File Ref: FIN-23-10
Responsible Officer: Mr Rick Miller
 Director Technical and Development Services
Author: Mr Leon Burger
 Chief Operating Officer Airports
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for a change in policy and procedures regarding the issuing and management of resident Concession Cards which allows East Pilbara residents 14 days' free parking in the Newman Airport Long Term Car Parks (LTCP).

BACKGROUND

Under Resolution 21112/169 dated 16 December 2011 Council authorised the introduction of car parking Fees & Charges as indicated below:

Short Term	0-1 hour	Free
	1-3 hours	\$3
	3-6 hours	\$6
	6-12 hours	\$12
	12-24 hours	\$15
	Additional days	\$15
Long Term	Days 1 - 7	\$10/day
	Days 8 - 14	\$8/day
	Days 15 and after	\$6/day
Car Rentals	Maximum of ten bays each	\$20/bay
Annual Permits	12 Month Period	\$4.27/day
Stored Value Cards	At applicable rates	
Resident Concessions	14 days / 12 month period	Free
	Long Term Car Parks Only	

Inclusion of a Resident Concession Card (RCC) was based on the following:

“Resident concession cards for permanent residents of Newman town would be a form of giving some return to residents on an airport that is essentially their public

airport. Especially considering that air travel is an inseparable link to local residents as a result of them living in a rather remote regional town. Such concessions should be targeted at the permanent resident and families to enable them to fly out occasionally, or even for short holidays, without the added cost associated with the road travel component of their travel. A concession of 14 days per 12 month period per family is considered appropriate."

Qualification for and issuing of RCCs was not limited to permanent residents of Newman, but to all permanent residents within the East Pilbara shire. Initial application for and issuing of these RCCs was done through the shire offices in Newman and Marble Bar. Upon the anniversary of individual cards residents had to again present proof of residency before the next year's credit of 14 days was loaded.

COMMENTS/OPTIONS/DISCUSSIONS

Negotiations between the Manager Community Wellbeing and the Community Resource Centre (CRC) in Nullagine to make the RCCs available out of CRC offices in Nullagine have been unsuccessful. The Manager Community Wellbeing has devised and implemented a process through which residents within the Nullagine catchment area can apply for RCCs via mail. This includes a suitable system of personal identification at the time of application, and verification of residency.

In the administrative procedures established and implemented for the management of these cards residents were routinely requested to advise the shire if they are leaving the East Pilbara and return their RCCs. In this residents were not forthcoming at all, and with the loss of permanent resident over the past two years it is impossible to ascertain which residents are still actually living within the East Pilbara, and which cards issued are still active and valid.

Currently, accumulation of concession credit has no sunset clause, and all cards issued remain active. Estimates are that only some 33% of concession credit is/has been used by residents, and the shire is therefore exposed in terms of accumulated liability costs of unused concession credit.

During a review meeting of the management of these RCCs held on 25 August 2015, it was identified that the only way of regularly auditing and clearing the system of resident cards that are no longer valid, and unused concession credit, is to select a specific date upon which all cards are electronically deactivated, and request residents to re-apply for these cards as per the standard procedures. In conjunction with this, a sunset clause of two years should be adopted on cards that have not been reactivated after the due date, and that cards that have not been reactivated be permanently cancelled after this two-year period. Cards in good condition are reactivated and credited, while damaged/lost cards can be replaced.

With the setting of a fixed annual date upon which all cards are deactivated, residents should be allowed to commence reapplication and renewal of their cards before the set date. This will allow a lead time to eliminate any interruption of their concessions should they wish to make use of this concession over the transition period.

In clearing the databases of inactive cards once a year, and requiring residents to re-apply, the following is achieved:

- Cards issued to residents no longer residing in the East Pilbara are cancelled and the database cleared of these cards.
- Unused concession credit is cancelled and cannot be used by unauthorised individuals.
- This effectively offsets and limits potential liability and offers more utilisation by paying customers.
- Realistic monthly/annual audits of the respective issuing office and integrated databases are made possible.

STATUTORY IMPLICATIONS/REQUIREMENTS

NIL

POLICY IMPLICATIONS

Permanent residents of this community continue to enjoy full concessions from the Resident Concession Program, while the shire gains proper control of these cards

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

- 2.4.1 Promote diverse, harmonious and caring communities
Responsible officer: MCW
Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

- 1. THAT Council adopts the following changes to policies and procedures associated with the Resident Concession:**
 - a. That all Resident Concession Cards be deactivated annually on 1 March unless a new reapplication is received for extension;**
 - b. That all residents reapply for Resident Concession Cards with proof of residency to qualify for a further 14 days resident parking concession in the Long Term Car Parks.**
 - c. That residents may commence reapplication for existing cards and new concession credit from 1 February annually, effective from 1 March.**
 - d. That a sunset clause of two years for concession cards not reactivated be adopted after which such cards are cancelled permanently.**

9.3.3 AFFIXING THE COMMON SEAL TO THE AGREEMENT WITH RAW HIRE REGARDING THE SUBLEASE WITH PILBARA CAR AND TRUCK RENTAL

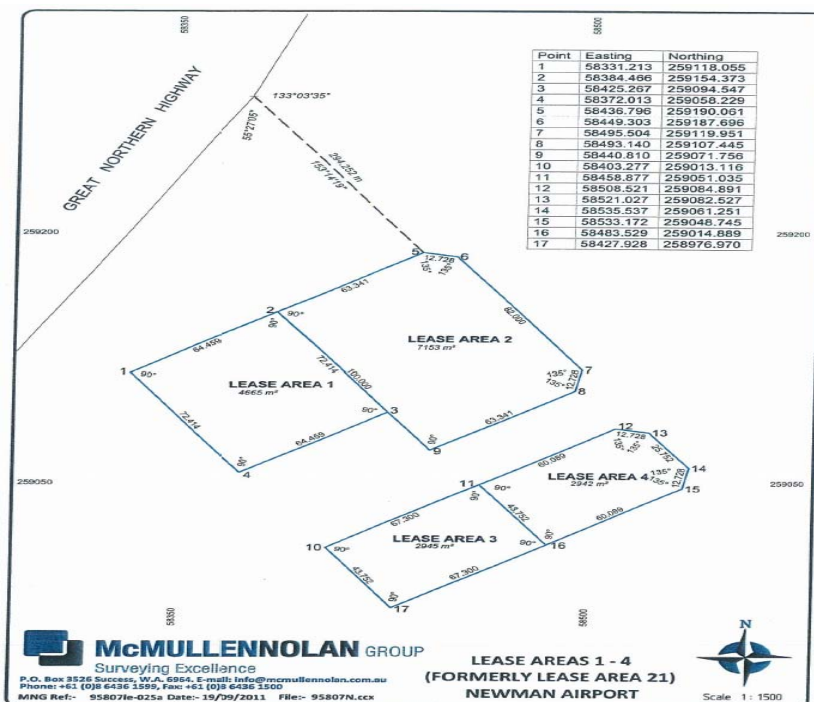
File Ref: FAC 1-2
Attachments: [Confidential](#)
Responsible Officer: Mr Rick Miller
 Director Technical and Development Services
Author: Mr Salomon Kloppers
 Manager Development Airports
Location/Address: N/A
Name of Applicant: General
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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



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

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

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

The Lease Agreement has two options to renew. Currently the land is Leased at a predetermined rate. This rental amount will be based on a mark to market from the Review Date of 1 January 2022.

COMMENTS/OPTIONS/DISCUSSIONS

During the past 6 months RAW Hire has wound down and stopped its operations In Newman due to the downturn in business, resulting in the company making significant losses at Newman Airport.

The Shire was approached by the Lessee to consider a possible Sublease of the premises to offset some of these losses. Details are in the Confidential Attachment.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

**Authority for exercise of Power/ Duty/ Authorisation
Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

4.5 Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

3.2.1 Promote a variety of choice in local employment

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

3.1.2 Build a thriving and diverse economy

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

3.3.3 Provide infrastructure to support economic development

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council notes and approves the Chief Executive Officer affixing the Common Seal to the Agreement between the Shire of East Pilbara and RAW Hire regarding the Sublease of Pilbara Car and Truck Rental.

**9.3.4 GO WEST TOURS (S.V. HAOUST) LEASE RENTAL REDUCTION
REQUEST**

File Ref: A702283
Attachments: [Confidential](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Salomon Kloppers
Manager Development Airports
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from Go West Tours (S.V. Haoust) to reduce the Lease Rental payments at Newman Airport.

BACKGROUND

At the Ordinary Council meeting held 28 January 2011 it was resolved that:

“1. That Council approves the adoption of an economic rate recovery on investment for hangar and commercial blocks as opposed to the market related rates proposed by Independent Valuers of Western Australia.

2. That Council approves an economic rate recovery of 11% on investment.

3. That Council authorises the Manager Airport Services to proceed with negotiations towards finalising the proposed land lease agreements with current and prospective customers within the following broad guidelines:

a. The maximum term of lease to remain at 20 years.

b. Elimination of the clause associated with rate increases relating to the CPI, with fixed annual rate increases of 1%. This will ensure that the rates will gradually increase to the market related values, which should be adopted after year ten of the respective leases.

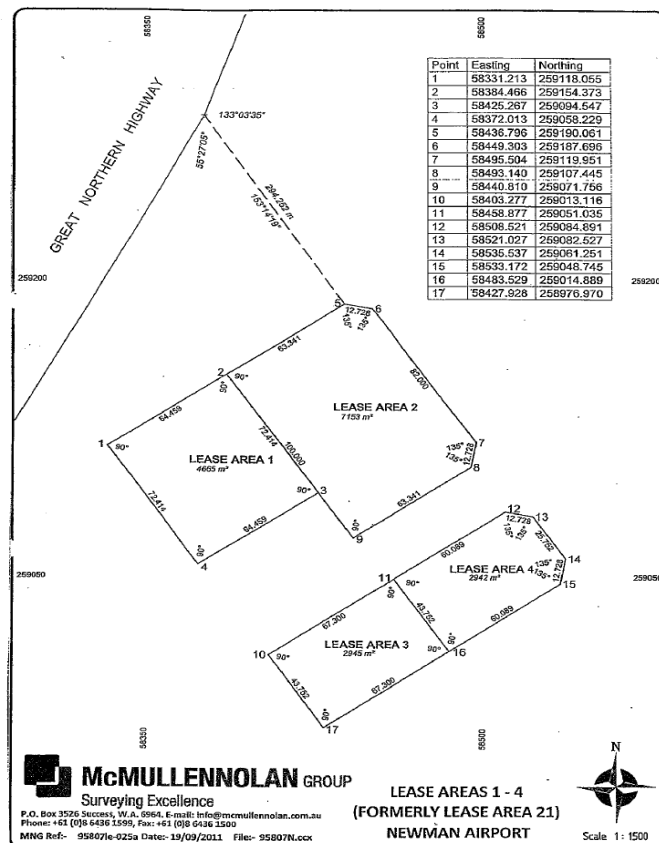
c. Allowing a rate concession of 1% per unit cost for every 2000m² above the basic unit of 2000m².

d. Market valuations to be conducted every five years to ensure that economic rent does not exceed market related rent.”

In April 2012 the Shire of East Pilbara (the Shire) entered into a Lease Agreement with Go West Tours (S.V. Haoust) with regards to Lease Area 2 at Newman Airport (**Council Resolution 201109/267**)

“THAT Council note the application of the common seal of the Shire of East Pilbara was affixed by the lease agreement between the Shire of East Pilbara and S.V.Haoust Pty Ltd located at Newman Airport – Lease Area 2.”

Lease Area 2 is situated as per the following diagram:



COMMENTS/OPTIONS/DISCUSSIONS

The Shire was approached by the General Manager of Go West Tours on 30 October 2015, requesting amendments to the Head Lease with a consideration for reduction in rental payments for a set period of time. Details are contained in the Confidential Attachment.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

3.3.3 Provide infrastructure to support economic development

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

3.1 Business diversification and promotion

3.1.2 Build a thriving and diverse economy

FINANCIAL IMPLICATIONS

Any reduction in rental will be a reduction in airport income.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council advise Go West TOURS (S.V. HAOUST) that their request has been considered and that there will be no changes to the current lease agreement, and payment amounts will remain as per the current agreement.

**9.3.5 REQUEST TO TERMINATE LEASE OVER LOT 600 LES TUTT DRIVE,
NEWMAN AND RESERVE FOR THE PURPOSES OF "COMMUNITY
PURPOSES AND PLACE OF WORSHIP"**

File Ref: A701993
Attachments: [Lot 600 Les Tutt Drive Location Plan](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Location/Address: Lot 600 Les Tutt Drive, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's consideration to request the Minister for Lands terminate the existing lease between the Shire of East Pilbara and the State of Western Australia over Lot 600 Les Tutt Drive, Newman (the site), and grant a Reserve Management Order in the Shire's name for the purposes of "Community Purpose and Place of Worship".

BACKGROUND

The site is zoned *Community and Cultural Purposes* by Shire of East Pilbara Town Planning Scheme No.4 (the Scheme) and is 4.4ha in area. The southern portion of the site was currently developed in 2013 for single person's quarters (SPQ), with the northern portion remaining undeveloped. Historically, the site was home to a cycle velodrome, which was subsequently removed.

In July 2013, the Shire entered into a Crown Lease arrangement with the State of Western Australia for a 5-year period ending on 30 June 2018 for the purposes of providing a "town construction fly camp" (i.e. SPQ). The Shire then entered into sub-leases with two construction companies to allow for the use of the site for SPQ. Both of these sub-leases expired on 30 June 2015 without being renewed. Without the income generated by the sub-leases, the Shire is left with a significant financial burden given it is still bound by the head lease. The six-monthly lease payment due on 1 July 2015 of \$66,250 plus GST has not been paid at the time of writing this report.

Shire officers have endeavoured to terminate the Crown Lease since April 2015. However, a request made by the Shire to surrender the head lease has not been accepted by the Department of Lands, as the Shire has not fulfilled its obligations under the termination clause of the lease. In particular, the land was yet to be completely cleared of all development associated with the SPQ use, although removal of all improvements was completed in early November 2015 by the sub-lessee to which the improvements belonged.

COMMENTS/OPTIONS/DISCUSSIONS

Options Available

Council has three options available in relation to the future of Lot 600:

1. Continue to pay the annual lease fee until expiry in 2018. This would cost Council \$397,500 for the final three years of the lease, without any continuing sub-lease income in place to offset this cost. Given the significant financial implications of this option without there being any direct benefit to the community, this option is not considered viable.
2. Seek early termination of the lease and hand the land back to the State as Unallocated Crown Land. This will require payment of the \$66,250 owing for the period 1 July 2015 until 31 December 2015. Given that one of the sub-lessees of the site had not removed all improvements until early November 2015, the Shire would seek reimbursement of the outstanding lease fee from this party, given their inaction prevented termination of the lease prior to 30 June 2015.
3. Seek early termination of the lease as per Option 2, but with the land being vested with the Shire as a reserve for community purposes. The benefit of this option compared to handing the land back is that it can be developed for community purposes over time in a manner consistent with its current zoning of Community and Cultural Purposes. The land would be controlled by the Shire via a Management Order, with the ability to lease portions of the site to community and not-for-profit groups for a range of community purposes.

Option 3 is favoured by Shire officers and is discussed further below.

Potential Use of Site for Community Purposes

The Shire continues to be approached by a range of community-based groups enquiring about the availability of land suitable for community purposes or places of worship. The 4.4ha site is suitably zoned to accommodate a range of public community uses. It is also located in close proximity to other community group leases located on the North Newman Reserve.

Should Council wish to pursue management of the site as a reserve, the opportunity exists to create a number of lease areas within the site that can be leased to community and other qualifying not-for-profit groups in a similar manner as other reserves within the Shire.

In order to accommodate a wide range of possible community group uses, it is recommended that Council requests the site be reserved for the purposes of Community Purposes and Place of Worship. Both of these definitions are included in the Model Scheme Text that forms part of the Planning and Development (Local Planning Schemes) Regulations 2015.

The table below provides the definitions for both purposes, as well as the potential applications in the Newman context:

Use	MST Definition	Possible Application (example only)
Community Purpose	<i>...premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.</i>	Service clubs, Scouts/Guides, Small sporting groups.
Place of Worship	<i>...premises used for religious activities such as a chapel, church, mosque, synagogue or temple.</i>	Local religious groups, such as Kingdom Hall of Jehovah's Witnesses.

Use of the site for community purposes and non-residential activities is unlikely to conflict with future mining activity proposed to the north of Newman. However, it will be prudent to ensure any future lease agreements with community groups prohibits residential or other type of activity that is likely to create a land use conflict with mining activities.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 41 of the Land Administration Act 1997 (the Act) provides for the Minister for Lands to reserve land for any purpose that is in the public interest. Section 46 of the Act provides the ability for the Minister to give a "power to lease" a reserve to one or more parties, subject to ensuring the use of the leased land is consistent with the specified purpose of the reserve.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

The Shire is currently obligated under the Crown Lease to pay the State of Western Australia an annual lease of \$132,500 plus GST up to 30 June 2018. Payment is due in advance every 6 months on 1 January and 1 July each year with the final payment to be paid on 1 January 2018. An invoice has been received totalling \$66,250 plus GST for the period 1 July 2015 – 31 December 2015. Officers are currently negotiating with the State for this invoice to be cancelled given notice was given in March/April 2015 that the Lease was no longer required. However, this was complicated by one of the sub-lessees (Megara Constructions) having not removed all improvements from the land as required under the terms of both the head lease and the sub-lease. Further, this sub-lessee did not fulfil their obligations to remove all

improvements until early November 2015. Shire officers have commenced action to recover the cost of the outstanding lease fee from Megara Constructions as an administrative measure.

In the event Council and the Minister for Lands supports the proposal for reservation, any costs associated with the process and making the site suitable for leasing to community groups will need to be taken into account in future budgets and reflect the terms of any lease entered into with successful lessees.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. In accordance with Part IV of the Land Administration Act 1997 (as amended) requests the Minister for Lands to:**
 - a) Terminate Crown Lease M366078 over Lot 600 Les Tutt Drive, Newman on the grounds that the site is no longer required for workers accommodation;**
 - b) Create a Crown Reserve over Lot 600 Les Tutt Drive, Newman for the purposes of "Community Purposes and Place of Worship"; and**
 - c) Grant a Management Order over Lot 600 Les Tutt Drive, Newman to the Shire of East Pilbara, incorporating a Power to Lease for up to 21 years with Ministerial consent.**

- 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**
29th January 2016, Newman
- 15 CLOSURE**