

**Unconfirmed copy of Minutes of  
Meeting held on 11 December 2015  
subject to confirmation at meeting to be  
held on 29 January 2016**



**SHIRE OF EAST PILBARA**

These minutes were confirmed by the council  
as a true and accurate record at the ordinary  
council meeting held on 29/1/2016

*Rovaigne*

**EAST PILBARA SHIRE COUNCIL**

**MINUTES**

**ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council was held,  
in Council Chambers, Newman,  
10.00 AM, FRIDAY, 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

The Chairman declared the meeting open at 10:20 AM and welcomed the Visitors in the public gallery.

## 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  
John Jakobson

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 refer to Applications for Leave of Absence item 6.1

#### Officer Apologies

Nil

### 2.3 LEAVE OF ABSENCE

Nil

## 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

## 4 PUBLIC QUESTION TIME

Nil

## 5 PETITIONS/DEPUTATIONS/PRESENTATIONS

10:32 AM Mr Rick Miller left Chambers.

10:37 AM Mr Rick Miller returned to the Chambers

### 5.1 RIO TINTO UPDATE

Mr Andrew Turner, Manager Communities and Agriculture provided an update on Rio Tinto's Irrigated Agriculture Projects.

The Chairman thanked Andrew on his presentation.

10:50 AM Mr Andrew Turner left Chambers.

## 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 24<sup>th</sup> November 2015 @ 8:39AM

*Good morning and Hello Sheryl, as per our phone discussion we had last Thursday 19<sup>th</sup> November 2015, I will not be back in Newman for the Council Meeting on Friday the 11<sup>th</sup> December 2015. I have sent both Lynne and Allen emails requesting leave of absence for this Council meeting on the 11<sup>th</sup> 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/COUNCIL RESOLUTION: 201516/98**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Michael Kitchin**

**THAT Councillor Shane Carter be granted for leave of absence for the 11<sup>th</sup> December 2015 Council Meeting.**

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



**7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

**7.1 CONFIRMATION OF MINUTES**

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

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/99**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Jay Ahmedi**

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

**CARRIED**

**RECORD OF VOTE: 10 - 0**

*To be actioned by Mr Allen Cooper, Chief Executive Officer*

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

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/100**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Michael Kitchin**

**THAT the Minutes of the Pilbara Regional Ordinary Council Meeting 23<sup>rd</sup> November 2015 and the Special Council Meeting 30<sup>th</sup> November 2015 be received.**

**CARRIED**

**RECORD OF VOTE: 10 - 0**

## 8 MEMBERS REPORT

### 8.1 ITEMS FOR RECOMMENDATION

Nil

### 8.2 ITEMS FOR INFORMATION

Cr Michael Kitchin attended:

- PRC Training Local Government Insurance Insight - 23.11.2015
- WALGA Training Serving on Council Perth – 27.11.2015
- WALGA Understanding Local Government – On Line
- Thank a Volunteer Awards Marble Bar Aquatic Centre 05.12.2015
- Marble Bar Tourist Association

Cr Anita Grace attended:

- Audit Committee Meeting - 03.12.2015
- International Day of Disabled Newman Aquatic Centre 04.12.2015
- Newman Women's Shelter meeting

Cr Dean Hatwell attended:

- Marble Bar Tourist Association meeting
- Thank a Volunteer Awards Marble Bar Aquatic Centre 05.12.2015
- Marble Bar Lighting of the Christmas Tree

Cr John Jakobson attended:

- New Councillor Inductions Seminar by WALGA 04.12.2015
- Newman Visitors' Centre Meeting
- NCCI meeting

Cr Gerry Parsons attended:

- Newman Senior High School Presentation
- Bloodyslow Cup Memorial
- Remembrance Day Ceremony 11.11.2015
- PRC meeting Perth 23.11.2015
- PRC Training Local Government Insurance Insight - 23.11.2015

Cr Craig Hoyer attended:

- Audit Committee meeting 03.12.2015
- NCCI Meeting

Cr Bidy Schill attended:

- LEMC Meeting 09.12.2015
- Turning on the Christmas Tree Lights Nullagine 02.12.2015
- Spoke to Fire Brigade Captain about being invited to meetings
- Nullagine CRC Meeting 07.12.2015 cancelled rescheduled 14.12.2015

Cr Jay Ahmedi attended:

- Thank a Volunteer Awards Newman – 05.12.2015
- Councillors Visit to the Shopping Centre – 05.12.2015
- Audit Committee Meeting 03.12.2015
- Landcorp

Cr Lynne Craigie attended:

- Newman Visitors Centre AGM
- Newman Visitors Centre Meeting
- Newman Women's Shelter AGM
- Regional Development Commission Pilbara meetings x 2
- Regional Road Group Review workshop
- Premiers Public Sector Awards for Martumili Project
- Meeting with Hon Minister Day
- TV interview with West TV
- LGIS WA x 2 Meetings
- Meeting with Hon Minister Nalder
- Light up the Night Leukaemia Walk
- Meeting with Leukaemia Foundation
- EPIS Review Workshop & Meeting
- Meeting with Hon Minister Davies
- Meeting with Hon Minister Simpson x 3
- Meeting with Marcie Reman re: data collections
- CCC Breakfast
- NSHS Board Meeting
- ALGA Meeting
- Horizon Power Meeting
- PRC Meeting with EastxWest Sponsors
- Gascoyne Zone Meeting
- Civic Church Service for Local Government
- Meeting with Qantas
- PRC meeting Perth 23.11.2015
- PRC Training Local Government Insurance Insight - 23.11.2015
- Meeting with Hon Minister Harvey
- Finance & Services Meeting
- Freight & Logistics Council Meeting
- East Metro Zone Meeting
- Central Country Zone Meeting
- Meeting with Mr Bruce Cheung – Pardoo Station
- International Day of Disabled
- Speaker for New Councillor Inductions Seminar by WALGA 04.12.2015
- Architects Meeting with NSHS
- Meeting with Mr Graeme Edwards RSL
- WALGA Presidents Christmas Function
- State Council Meeting
- Civic Reception for Ron Yurevich Former Mayor of Kalgoorlie
- Children's Environment Health Report Card Awards
- Meeting with Hon Minister Hames
- RDA Pilbara Function

- State Roads Funding Meeting
- Water for Food Workshop
- Meeting with Barry Nicholls ABC Drive show interviews x 2
- 6PR Interview
- BHP Billiton Iron Ore meetings x 3
- Visit to other Councils in South Perth, Victoria Park, Rockingham, Claremont
- Bloodyslow Cup Memorial

## 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

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#### 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**

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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/COUNCIL RESOLUTION: 201516/101**

**MOVED: Cr Lang Coppin**

**SECONDED: Cr Craig Hoyer**

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

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

*To be actioned by Mr Allen Cooper, Chief Executive Officer.*

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

**11 DECEMBER, 2015**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>RESPONSIBLE OFFICER</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
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. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	To discuss options with PDC. Request for Information sent to PDC Sent again 08/09/2015	On Going
28 August 2015	13.7	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			
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	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

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#### 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*

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*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/COUNCIL RESOLUTION: 201516/102**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Gerry Parsons**

**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*.**

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

***To be actioned by Cr Lynne Craigie, Shire President.***

**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

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**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 27<sup>th</sup> 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/COUNCIL RESOLUTION: 201516/103

**MOVED:** Cr Dean Hatwell

**SECONDED:** Cr Gerry Parsons

**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.**

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

*To be actioned by Mr David Kular, Manager Human Resources.*

**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

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**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 26<sup>th</sup> 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 4<sup>th</sup> 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 22<sup>nd</sup> 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

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**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/104**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Gerry Parsons**

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

- 1. Monday 4<sup>th</sup> 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 22<sup>nd</sup> 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.**

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

*To be actioned by Mr Allen Cooper, Chief Executive Officer*

**9.1.5 EASTXWEST FORUM CHINA APRIL 11 – 13 APRIL 2016**

<b>File Ref:</b>	<b>ORG-4-6</b>
<b>Attachments:</b>	<a href="#">Shenzhens Qianhai ZoneCushman Wakefield EN.pdf</a>
<b>Responsible Officer:</b>	<b>Mr Allen Cooper Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Allen Cooper Chief Executive Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

For Council to consider attending the EASTxWEST Forum, in China, between the 11<sup>th</sup> and 13<sup>th</sup> 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, 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

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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.

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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 11<sup>th</sup> and 13<sup>th</sup> 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.**

**COUNCIL RESOLUTION: 201516/105**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Michael Kitchin**

**THAT Council:**

- **Support attendance at the EASTxWEST Forum in China, between the 11<sup>th</sup> and 13<sup>th</sup> April 2106;**
- **Attendance by all Councillor/s and Executive staff who wish 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.**

**CARRIED  
RECORD OF VOTE: 9- 1**

***Cr Lang Coppin requested to be recorded against the motion***

**Reason for Non Acceptance of Officer's Recommendation: Councillors felt that all Councillors should be given the opportunity to attend the forum as per previous year.**

***To be actioned by Mr Allen Cooper, Chief Executive Officer.***

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### 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

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### 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
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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/COUNCIL RESOLUTION: 201516/106**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Michael Kitchin**

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

<b>No.</b>	<b>Title</b>
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
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**CARRIED**  
**RECORD OF VOTE: 10 - 0**

*To be actioned by Ms Kylie Bergmann, Coordinator Executive Services*

### 9.1.7 NEW POLICY - HUMAN RESOURCES POLICY

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

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### 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 11<sup>th</sup> 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.
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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/COUNCIL RESOLUTION: 201516/107**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Craig Hoyer**

**THAT Council adopt the Human Resources Policy as attached below.**

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

***To be actioned by Ms Kylie Bergmann, Coordinator Executive Services.***

### 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

11:55 AM Mr Allen Cooper left Chambers.

11:59 AM Mr Allen Cooper returned to the Chambers

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## 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

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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/COUNCIL RESOLUTION: 201516/108**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Gerry Parsons**

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

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

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

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

**11 DECEMBER, 2015**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
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 December 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 Nullagine holding the key and taking payments for the use of the gym.	DCEO	Still being investigated	December 2015
28 August 2015	13.1	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	DCEO	Quotes received Newman Netball Association have been invited to discuss options	April 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		replied that we are waiting on the supplier to undertake repairs and we will be contacting the Newman Netball Association to advise of progress.			

**9.2.2 AGREEMENT FOR USE OF NEWMAN FUNKY BUS - YMCA**

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

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**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 1<sup>st</sup> January, 2016 and expiring on the 31<sup>st</sup> 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 2<sup>nd</sup> February, 2015 which will expire on the 17<sup>th</sup> 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 1<sup>st</sup> January, 2016 to 31<sup>st</sup> December, 2016

Further Term – One year – commencing 1<sup>st</sup> January, 2017 and expiring 31<sup>st</sup> December 2017

Vehicle Storage Location

Shire of East Pilbara's Newman Youth Centre

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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, (31<sup>st</sup> 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:** 27<sup>th</sup> 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/COUNCIL RESOLUTION: 201516/109

**MOVED: Cr Anita Grace**

**SECONDED: Cr Michael Kitchin**

### 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 1<sup>st</sup> January, 2016 and expiring on the 31<sup>st</sup> 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).**

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

***To be actioned by Mrs Luisa Viliafi, Coordinator Youth 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**

*12:08 PM Mr Allen Cooper left Chambers.*

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#### 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

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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/COUNCIL RESOLUTION: 201516/110

MOVED: Cr Jay Ahmedi

SECONDED: Cr John Jakobson

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.

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 10 - 0

*To be actioned by Mr Pip Parsonson, Manager Community Services*

#### 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

12:11 PM Mr Allen Cooper returned to the Chambers

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#### 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.*

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## **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/COUNCIL RESOLUTION: 201516/111

MOVED: Cr Gerry Parsons

SECONDED: Cr Anita Grace

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
25 <sup>th</sup> February 2016	4 <sup>th</sup> Thursday	8:00am	Newman
9 <sup>th</sup> June 2016	2 <sup>nd</sup> Thursday	8:00am	Newman
8 <sup>th</sup> September 2016	2 <sup>nd</sup> Thursday	8:00am	Newman
24 <sup>th</sup> November 2016	4 <sup>th</sup> Thursday	8:00am	Newman

CARRIED  
RECORD OF VOTE: 10 - 0

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

### 9.2.5 AUDIT COMMITTEE REPORT - 3 DECEMBER 2015

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

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#### REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

#### BACKGROUND

The Audit Committee met on the 3<sup>rd</sup> 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/COUNCIL RESOLUTION: 201516/112**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Gerry Parsons**

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

**AUDIT COMMITTEE RECOMMENDATION 1:**

**THAT Council accept the Budget Review for the 31<sup>st</sup> October 2015 as set out.**

**AUDIT COMMITTEE RECOMMENDATION 2:**

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

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

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



### 9.2.6 BUDGET REVIEW – 31 OCTOBER 2015

<b>Attachments:</b>	<a href="#">Budget Review as at 31 October 2015</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### 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/COUNCIL RESOLUTION: 201516/113

MOVED: Cr Anita Grace

SECONDED: Cr Michael Kitchin

THAT Council accept the Budget Review for the 31<sup>st</sup> October 2015 as set out.

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 10 - 0

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

### 9.2.7 ANNUAL AUDITED FINANCIAL STATEMENTS 2014/15

<b>Attachments:</b>	<a href="#">Annual Audited Financial Statement 201415</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### 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.

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**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/114**

**MOVED: Cr Lang Coppin**

**SECONDED: Cr Jay Ahmedi**

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

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

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

**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

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**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/COUNCIL RESOLUTION: 201516/115

MOVED: Cr Dean Hatwell

SECONDED: Cr Craig Hoyer

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.

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 10 - 0

*To be actioned by Ms Tracy Pooley, Rates Revenue Finance Officer*

**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

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**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/COUNCIL RESOLUTION: 201516/116**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Dean Hatwell**

**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.**

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

***To be actioned by Ms Tracy Pooley, Rates Revenue Finance Officer***

### 9.2.10 MONTHLY FINANCIAL STATEMENTS - SEPTEMBER 2015

<b>Attachments:</b>	<a href="#">September 2015 Variance Report.doc</a> <a href="#">September 2015 Financial Report</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Candice Porro</b> <b>Senior Finance Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### 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)

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*“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/COUNCIL RESOLUTION: 201516/117**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Biddy Schill**

**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.**

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

***To be actioned by Ms Candice Porro, Senior Finance Officer***

### 9.2.11 MONTHLY FINANCIAL STATEMENTS - OCTOBER 2015

<b>Attachments:</b>	<a href="#">October Financials.pdf</a> <a href="#">October 2015 Variance Report.doc</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Candice Porro</b> <b>Senior Finance Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### 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/COUNCIL RESOLUTION: 201516/118**

**MOVED: Cr Jay Ahmedi**

**SECONDED: Cr Gerry Parsons**

**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.**

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

***To be actioned by Ms Candice Porro, Senior Finance Officer***



### 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

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### 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

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

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*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

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### 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/COUNCIL RESOLUTION: 201516/119**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Craig Hoyer**

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

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

*To be actioned by Ms Jeanette Bessell, Finance Officer*

### 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

12:25 PM Meeting adjourned.

1:08 PM Meeting resumed, All Councillors and staff returned to Chambers  
except Cr Lang Coppin

1:15 PM Cr Lang Coppin returned to the Chambers

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### 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

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**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/COUNCIL RESOLUTION: 201516/120**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Jay Ahmedi**

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

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

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
23 October 2015	14.2	<p>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.</p> <p>Mr Rick Miller replied he will speak with WA Main Roads regarding Cr Bidy concern.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>	DTDS MTS-R	MRWA to be advised of concerns and requested to action	December 2015
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/COUNCIL RESOLUTION: 201516/121

MOVED: Cr Dean Hatwell

SECONDED: Cr Anita Grace

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.

CARRIED  
RECORD OF VOTE: 10 - 0

*To be actioned by Mr Leon Burger, Chief Operating Officer - Airports*

**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

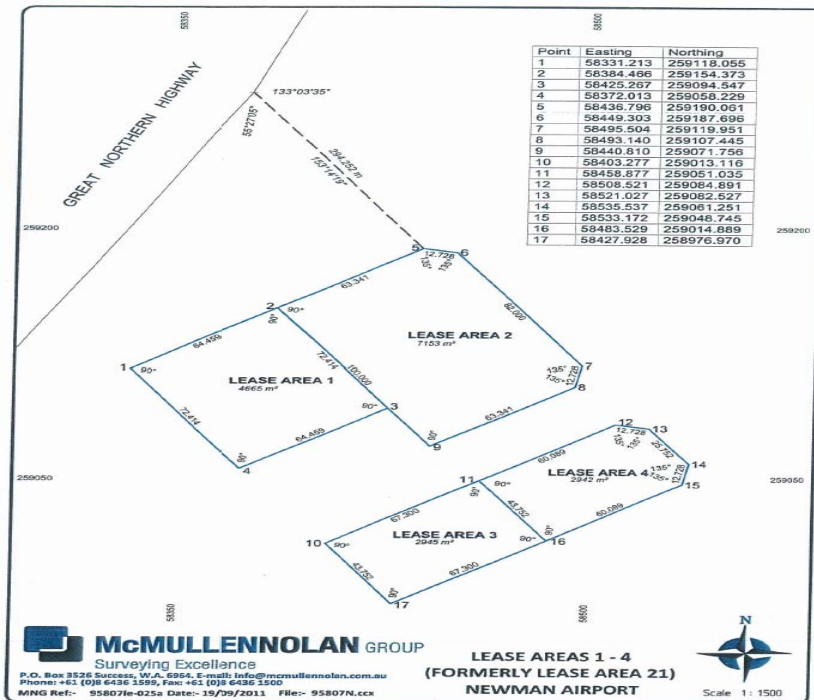
1:22 PM Cr Lang Coppin left Chambers.  
 1:23 PM Cr Lang Coppin returned to the Chambers

**REPORT PURPOSE**

To seek Council approval to apply the common seal of the Shire of East Pilbara (the Shire) to the Agreement between the Shire and RAW Hire Pty Ltd (RAW Hire) in respect of a proposed Sublease by Raw Hire with 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/m<sup>2</sup> 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 26m<sup>2</sup> at the adopted rental rate of \$535/m<sup>2</sup> 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/COUNCIL RESOLUTION: 201516/122**

**MOVED: Cr Craig Hoyer**

**SECONDED: Cr Michael Kitchin**

**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.**

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

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

**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

*An Interest was declared by Cr Lynne Craigie for Item No. 9.3.4  
Nature of Interest: Financial  
Extent of Interest: Business Owner at Newman Airport  
Cr Lynne Craigie vacated the Chair  
1:30 PM Cr Lynne Craigie left Chambers.  
Cr Lang Coppin assumed the Chair*

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**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 2000m<sup>2</sup> above the basic unit of 2000m<sup>2</sup>.*

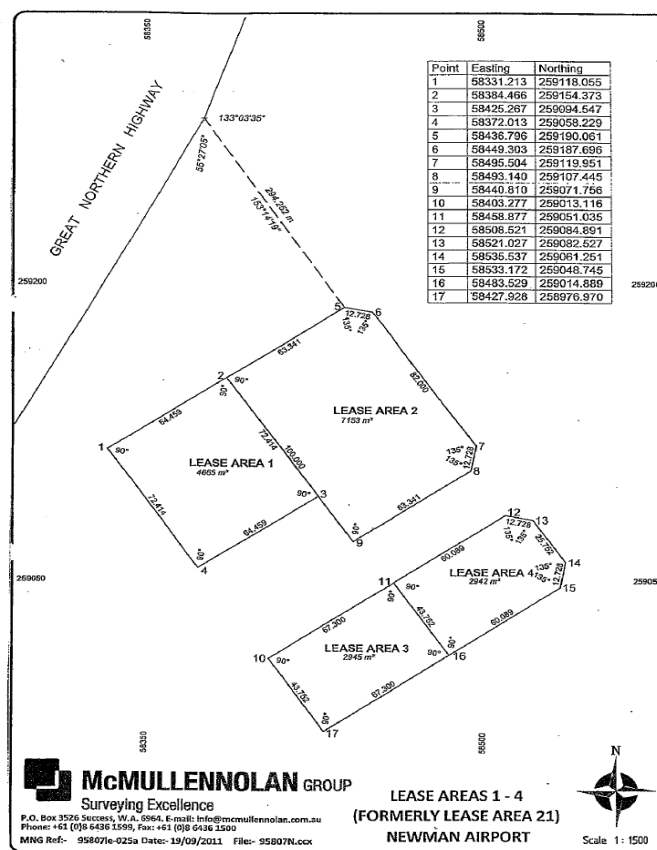
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*d. Market valuations to be conducted every five years to ensure that economic rent does not exceed market related rent.”*

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/COUNCIL RESOLUTION: 201516/123

**MOVED:** Cr Gerry Parsons

**SECONDED:** Cr Dean Hatwell

**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.**

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

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



**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

1:37 PM Cr Lynne Craigie returned to the Chambers  
Cr Lang Coppin vacated the Chair  
Cr Lynne Craigie assumed the Chair

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## **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

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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 than 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:

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<b>Use</b>	<b>MST Definition</b>	<b>Possible Application (example only)</b>
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/COUNCIL RESOLUTION: 201516/124**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Jay Ahmedi**

**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.

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

***To be actioned by Mr Roy Winslow, Manager Development Services - Planning***

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**11.1 THREE (3) DOG APPLICATION FOR MR DAVID THOMAS – 23 KNOX  
WAY, EAST NEWMAN BE ACCEPTED AS AGENDA ITEM 11.1.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/125**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Gerry Parsons**

**THAT the three (3) dog application for Mr David Thomas – 23 Knox Way, East Newman be accepted as item 11.1.1.**

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

**11.1.1 THREE (3) DOG APPLICATION FOR MR DAVID THOMAS - 23 KNOX WAY  
– EAST NEWMAN**

**File Ref: RNG-1-3**  
**Responsible Officer: Mr Rick Miller  
Director Technical and Development Services**  
**Author: Mr Andrew Norris  
Coordinator Ranger and Emergency Services**  
**Location/Address: 23 Knox Way, Newman WA 6753**  
**Name of Applicant: Mr David Thomas**  
**Author Disclosure of Interest: Nil**

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**REPORT PURPOSE**

To consider an application to keep more than two (2) dogs at 23 Knox Way, East Newman 6753

**BACKGROUND**

Mr David Thomas has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs on the premises at 23 Knox Way, East Newman 6753.

In the application: All three (3) of the dogs are micro-chipped and currently registered with the Shire of East Pilbara.

**COMMENTS/OPTIONS/DISCUSSIONS**

Reasons for keeping more than two Dogs:

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In his application, Mr Thomas states *“That we have had the three (3) dogs for 6 years. Jack belongs to our son but is residing with us due to our sons work commitments”*

As part of the application process, the surrounding residents were consulted on this matter. It is important to note that there are no immediate neighbours on either side of 23 Knox Way, behind 23 Knox Way or across the street.

Dog History:

Registration Number Y7691, Red Healer – Female / Nil

Registration Number Y7690, Blue Healer – Female / Nil

Registration Number Y7704, Blue Healer – Male / Nil

Complaints: Nil

Property Inspection:

An inspection was carried out by Rangers at 23 Knox Way on 27th November 2015. The fencing and gating of the premises was found to be in good order, with an acceptable amount of yard space to house three medium sized dogs. The yard was found to be clean and tidy, with no sign of any dog litter. The dogs were inspected and found to be in good health and compliant with the Dog Act 1976.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Dog Act 1976 (as amended) Section 26(3)

Shire of East Pilbara Dogs Local Law (2000) clause 3.2 (1) (b)

The Dog Act allows the Shire to control the number of dogs by gazetting Local Laws. The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises in a townsite.

*Section 26(3) of the Dog Act 1976 states:*

*Where by a Local Law under this Act a local Government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –*

*(a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*

*(b) shall not operate to authorise the keeping of more than 6 dogs on those premises ;and*

*(c) may be revoked or varied at any time.*

Section 26(5) of the Dog Act 1976 allows for an aggrieved applicant to appeal to the Minister of Local Government if the application is unsuccessful or to vary the conditions set by the Local Government.

### **POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

Nil

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/126**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Craig Hoyer**

**THAT Council approve the keeping of three (3) dogs at 23 Knox Way, Newman - subject to the following conditions:**

- 1. All dogs are to be registered with the Shire of East Pilbara at all times.**
- 2. Only the dogs specified in the application to be kept at the nominated address.**
- 3. Fencing must be maintained such that all dogs are confined within the with the provisions for the Dog Act 1976 (As Amended)**
- 4. Any contravention of the Dog Act 1976 (As Amended) is reason for immediate, "on the spot", revocation of this permission.**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission.**
- 6. Council may revoke the permission at any time without explanation.**

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

*To be actioned by Mr Andrew Norris, Coordinator Ranger & Emergency Services.*

**11.2 NEWMAN LANDFILL - WASTE TO ENERGY HEADS OF AGREED PRINCIPLES BE ACCEPTED AS ITEM 11.2.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/127**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Michael Kitchin**

**THAT the Newman Landfill - Waste to Energy Heads of Agreed Principles be accepted as item 11.2.1**

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

**11.2.1 NEWMAN LANDFILL - WASTE TO ENERGY HEADS OF AGREED PRINCIPLES**

**Attachments:** [Heads of Agreed Principles – Pilbara Regional Waste Solution 2014 Waste to Energy Presentation](#)

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

**Author:** Mr Rick Miller  
Director Technical & Development Services

**Proposed Meeting Date:** 11 December 2015

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

*Cr Lynne Craigie vacated the Chair*

*Cr Lang Coppin assumed the Chair*

*1:47 PM Cr Lynne Craigie left Chambers.*

*1:54 PM Cr Lynne Craigie returned to Chambers.*

*Cr Lang Coppin vacated the Chair*

*Cr Lynne Craigie assumed the Chair*

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**REPORT PURPOSE**

For Council to consider authorising the CEO to sign the Heads of Agreed Principles Pilbara Regional Waste Solution, between the Shire of East Pilbara and the New Energy Corporation.

**BACKGROUND**

New Energy Director Mr Jason Pugh attended Council on the 28 August 2015 and made a presentation of his company Waste to Energy Plant project that they intend to establish in Port Hedland and the opportunities available to the Shire of East Pilbara. The project could include the shire providing up to 15,000 tonnes of waste to the plant which would dramatically increase the life of the Newman Landfill site and meet our waste diversion targets in an environmentally friendly way.

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New Energy is developing a materials recovery facility and Waste to Energy project in Port Hedland. New Energy wants to work with the Shire of East Pilbara to investigate opportunities to divert solid waste from the landfills operated by the Shire (Newman, Marble Bar and Nullagine). The potential benefits of diverting waste from the landfills include:

- Adherence to the State Governments Landfill waste diversion target of 50% by 2020;
- Extending the useful life of the landfill sites;
- Providing better management of the unmanned landfills at Marble Bar and Nullagine;
- Delivering the benefits of the Materials Recovery Facility(MRF) at Newman Landfill;
- Reducing greenhouse gas emissions from the landfills;
- Deliver the strategic objectives detailed in the Windell Refuse Site Newman Waste Management Plan 2012-2017

### **COMMENTS/OPTIONS/DISCUSSIONS**

New Energy Director Mr Jason Pugh has requested that the shire signs a Heads of Agreed Principles agreement which would allow both parties to further explore if a viable agreement can be reached. The agreement would operate along similar lines of an 'memorandum of understanding' and is a non-binding agreement. The signed document will show regional support for the project and a commitment to explore diversion of waste from the shire's landfills and removal of legacy tyres. The shire won't be contractually or otherwise obligated to provide waste should staff investigations find the project not feasible or if agreement cannot be reached on pricing or other matters.

There are several opportunities that the shire will be exploring over the next few months in regards to the landfill site. These will include the operation of the MRF, the rationalising of kerb bin collection, and litter pickup contracts and at the end of next year the Landfill Operations contract will also come up for review.

The New Energy proposal will be evaluated against other options for diversion and recycling with the most advantageous and environmentally cost effective strategy developed to meet the states waste reduction targets and policy.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

N/A

### **POLICY IMPLICATIONS**

N/A

### **STRATEGIC COMMUNITY PLAN**

3.1 Business Diversification and Promotion

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

- 3.1.2 Build a thriving and diverse economy
- 4.1 Reduce the Shire's Ecological Footprint
- 4.2.1 Cultivate clean green towns

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/128**

**MOVED: Cr Jay Ahmedi**

**SECONDED: Cr Michael Kitchin**

**THAT Council authorises the CEO to sign the Heads of Agreed Principles Pilbara Regional Waste Solution, between the Shire of East Pilbara and the New Energy Corporation.**

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

## **CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

Nil

### **12 GENERAL BUSINESS**

#### **12.1 NULLAGINE PUBLIC TOILETS**

Cr Bidy Schill said the hose and tap at the back of the new public toilet block which is supposed to be used for the cleaner is being used by people to wash their vehicles etc. Is there any idea on how this can be stopped but not locked so visitors/tourist can access it for travelling needs?

Deputy Chief Executive Officer to follow up

#### **12.2 NULLAGINE OLD PUBLIC TOILETS**

Cr Bidy Schill said the old public toilet block is still open, should this be permanently closed?

Deputy Chief Executive Officer to follow up.

#### **12.3 NULLAGINE HEALTH CLINIC**

Cr Bidy Schill asked if a letter could be written to the Department of Health regarding the load of work, the nurses who work at the nursing post as they work 24/7 and the health issues it causes. The Pilbara are the only places for one nurse, Nursing Posts, in (Nullagine and Marble Bar).

Chief Executive Officer to follow up.

#### **12.4 STREET NAMING NEWMAN**

Cr Gerry Parsons stated that she was asked by Margaret McKendry if the Shire can name a road after Dr David Eckhart.

Mr Allen Cooper replied if a road needs to be named then the Shire will take into consideration.

#### **12.5 NEWMAN POOL ENTRY FEE**

Cr Gerry Parsons asked if the pool entry fee is consistent with other Local Government pools in the Pilbara.

Deputy Chief Executive Office to follow up.

#### **12.6 FIRE BREAKS NEWMAN**

Cr Jay Ahmedi said he received correspondence from Mr S Smoor regarding concern over the town's fire breaks.

Mr Allen Cooper replied that the Manager Community Services will discuss the matter with Mr Smoor.

**12.7 NEWMAN DOG PARK**

Cr Jay Ahmedi said the dog park requires some maintenance.

Mr Rick Miller replied yes they are aware of the issues, and that the Parks and Garden section will be adding additional reticulation in the near future.

**12.8 CARAVAN & TRUCK PARKING NEWMAN**

Cr Jay Ahmedi, commented on the space next to the Boomerang Oval being a good place for trucks and travellers with caravans to park.

Mr Rick Miller, commented that this is an area is currently under investigation.

**12.9 SIGNS CAPE KERAUDREN**

Cr Dean Hatwell asked about the signs regarding the facilities for Cape Keraudren.

Mr Rick Miller replied that the signs are in the process of being approved by Main Roads WA.

**12.10 FIRE BREAKS MARBLE BAR**

Cr Dean Hatwell asked about fire breaks around Marble Bar.

Director Technical and Development Services to follow up.

**12.11 CHILDREN ROAMING THE STREETS**

Cr Craig Hoyer asked if a letter could be written to the Department of Education regarding children roaming the streets during school hours when they should be at school and what are the regulations regarding children not attending school because they do not live in this area.

Deputy Chief Executive Officer to follow up.

**12.12 MARBLE BAR AQUATIC CENTRE CCTV**

Cr Michael Kitchin asked if the Marble Bar Aquatic Centre could get CCTV especially for the toddler's pool, so when the staff member is serving at the kiosk they can still easily monitor the area.

Deputy Chief Executive Officer to follow up

**12.13 NURSING POST MARBLE BAR**

Cr Michael Kitchin has asked if a letter could be written to the Health Department regarding the condition of the nursing post as it requires some maintenance.

Chief Executive Officer to follow up.

**13 DATE OF NEXT MEETING**

29th January 2016, Newman

**14 CLOSURE**

2:35PM