

Unconfirmed copy of Minutes of
Meeting held on 11 March 2016 subject
to confirmation at meeting to be held
on 29 April 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 / 4 / 2016

Brangie

EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Marble Bar,
10.00 AM, FRIDAY, 11 MARCH, 2016.

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 10:04 AM and welcomed Hon Brendon Grylls MLA, Member for Pilbara.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

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

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

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

Ms Sheryl Pobrica

Public Gallery

Hon Brendon Grylls MLA

Member for Pilbara

2.2 APOLOGIES

Councillor Apologies

Nil

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

5.1 HON BRENDON GRYLLS MLA – MEMBER FOR PILBARA

Hon Brendon Grylls MLA spoke to Council about the status of the Pilbara.

Cr Lynne Craigie thanked Brendon Grylls for coming to Marble Bar and speaking with Council regarding the Pilbara.

Hon Brendon Grylls MLA, left Chambers at 11:10 AM

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes January 29 2016 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/150

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT the minutes of the Ordinary Meeting of Council held on 29 January 2016, be confirmed as a true and correct record of proceedings.

CARRIED

RECORD OF VOTE: 11 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer

7.2 PILBARA REGIONAL COUNCIL MINUTES 5 FEB 2016

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/151

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchen

THAT the minutes of the Ordinary Pilbara Regional Council Meeting held on 5th February 2016, be accepted.

CARRIED

RECORD OF VOTE: 11 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Gerry Parsons attended:

- NCCI Meeting 9.02.16
- Audit Committee Meeting 25.02.16
- Ophthalmia Dam Recreational Management Meeting 25.02.16
- NCCI Business After Hours 25.02.16
- NCCI Meeting 9.03.16

Cr Anita Grace attended:

- PRC Meeting 05/02/2016 – Perth
- Pilbara Regional Roads Group 05/02/2016 - Perth
- Opening of the Fair Go Games
- Audit Committee Meeting
- Councillors Meet & Greet Newman Boulevard Shopping Centre (05/03/2016)

Cr Shane Carter attended:

- Councillors Meet & Greet Newman Boulevard Shopping Centre (05.03.2016)
- Newman Visitor Centre Meeting (January 2016)
- Audit Committee Meeting

Cr Craig Hoyer attended:

- Councillors Meet & Greet Newman Boulevard Shopping Centre (05.03.2016)
 - 6NEW Radio Station Crisis Meeting
- Note*** 6NEW Radio Station Special General Meeting is on 22nd March 2016

- Ophthalmia Dam Management Plan Meeting
- Audit Committee Meeting
- Opening of the Fair Go Games

Note* Cr Craig Hoyer wanted to say thank you to the Shire of East Pilbara Staff as the Fair Go Games was Excellent.

Cr Jay Ahmedi attended:

- Councillors Meet & Greet Newman Boulevard Shopping Centre (06.02.2016 & 05.03.2016)
- Audit Committee Meeting
- Main Street judge international women's day

Cr Biddy Schill attended:

- Nullagine Community Resource Centre Video link up with Marble Bar Resource Centre.

Cr Dean Hatwell attended:

- Marble Bar Tourist Association
- Marble Bar Community Resource Centre video link up with Nullagine Resource Centre

Cr Michael Kitchin attended:

- WALGA Training (Elected Members) Understanding Financial Reports & Budgets
- WALGA Training (Elected Members) Meeting Procedures and Debating
- PRC Training Chinese Cultural Intelligence
- Discussed Environmental Reforms Regulation Bill passed by Parliament in Feb 2016 with the PPA Secretary/Treasurer and the effects upon Prospectors, 10.03.2016.

Cr John Jakobson attended:

- Opening of the Fair Go Games
- Audit Committee Meeting

Cr Lynne Craigie attended:

- PRC Meeting 05/02/2016 – Perth
- Pilbara Regional Road Group 05/02/2016 – Perth
- Leukaemia Morning Tea – World's Greatest Shave
- Meeting with Minister Hon Terry Redman – Kurra Village
- BHP Billiton Iron Ore, Julius Matthys & Robert Carruthers – Re: Kurra Village
- Professor Peter Newman & John Wilmott – re Martu Farm & School
- RDA Regular Meeting
- Meeting with Mayor Kelly Howlett & Ailsa Archer
- NSHS Meeting
- EPIS Meeting
- Transport and Road Congress
- PRC CEO & Deputy Catch up
- Screen West re: Pilbara Movies
- Horizon Power Board Meeting
- LGIS Board Meeting
- Newman Visitors Centre Committee Meeting
- CLGF Announcement Launch – Minister Redman & Minister Simpson
- Radio Interview – re: Kurra Village
- Radio Interview – re: Qantas Profits
- Radio Interview – re: Nullagine Bull
- Radio Interview – re: Leukaemia Foundation
- Telephone Conference Wendy Duncan MLA – Member for Kalgoorlie
- Telephone Conference Brendon Grylls MLA – Member for Pilbara
- Telephone Conference Melissa Price MP - Member for Durack

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS – JANUARY 2016

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to -

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/152

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the "Status of Council Decisions" – Chief Executive Officer for January 2016 be received.

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

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

11 MARCH, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 December 2015	9.1.2	CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW	Shire President		In Progress
11 December 2015	9.1.4	2016 QUEEN'S BIRTHDAY HOLIDAY REQUEST FOR ALTERNATIVE DATE	CEO	Letter has been sent to the Department of Commerce waiting for approval by the Governor General.	In Progress
11 December 2015	9.1.5	EASTXWEST FORUM CHINA APRIL 11 – 13 APRIL 2016	CEO	Numbers have been sent to PRC	In Progress
11 December 2015	12.3	NULLAGINE HEALTH CLINIC Cr Biddy 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.	CEO	Letter has been sent awaiting response	March 2016
11 December 2015	12.13	NURSING POST MARBLE BAR Cr Michael Kitchen 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.	CEO	Letter has been sent awaiting on response	March 2016
29 January 2016	9.1.2	WA LOCAL GOVERNMENT ASSOCIATION (WALGA) TRADE EXHIBITION AND CONVENTION 2016	CEO	Accommodation Booked	In Progress
29 January 2016	9.1.3	WAROONA AND DISTRICT FIRES APPEAL 2016 - LORD MAYORS DISTRESS RELIEF FUND	CEO	Letters has been sent 02/02/2016	Completed
29 January 2016	13.2	CATTLE ROAMING TOWN OF NULLAGINE Cr Biddy Schill said there has been a bull roaming the streets of Nullagine, what can be done about it as it has injured someone? Chief Executive Officer to follow up with the owner.	CEO	CEO spoke to owner of Bonney Downs cattle removed	Completed

9.1.2 ELECTION OF COUNCIL MEMBERS ON COMMITTEES 2015-2017

File Ref: CLR-4-4
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Andries Gertenbach
Manager Corporate Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To elect Councillors to represent Council on the Audit Committee.

BACKGROUND

After each Local Government election Council allocates representation on committees to represent Council.

COMMENTS/OPTIONS/DISCUSSIONS

While Council did allocate representation on committees at the Ordinary Meeting of Council on 23rd October 2015, there is a requirement for members of Council Committees, i.e. Audit Committee, to be appointed by absolute majority vote of Council.

This report has been generated to rectify this.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 – Administration 5.10. Committee members, appointment of (pg 136)

- (1) A committee is to have as its members —
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

Part 7 - Audit (Division 1A - Audit committee) 7.1A. Audit committee (pg 271)

- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

* Absolute majority required.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/153

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT the Councillors listed below be appointed to the Audit Committee

Cr Lynne Craigie

Cr Gerry Parsons

Cr Craig Hoyer

Cr Jay Ahmedi

Cr Shane Carter

Cr Anita Grace

Cr John Jakobson

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Andries Gertenbach, Manager Corporate Services

**9.1.3 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
CORPORATE SERVICES**

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

REPORT PURPOSE

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

BACKGROUND

Council employed Mr Andries Gertenbach, Manager Corporate Services. The term of the contract is for three years, expiring on 31 January 2019.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 27th June 2003

Objective:
To allow for the proper execution of documents.

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.2 Employment opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/154

MOVED: Cr Gerry Parsons

SECONDED: Cr Jay Ahmedi

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Andries Gertenbach for a term of three years, expiring on 31st January 2019.

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Mr David Kular, Manager Human Resources

**9.1.4 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
RECREATION AND EVENTS**

File Ref: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Location/Address: Shire of East Pilbara
Name of Applicant: Simone Van Buerle
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Recreation and Events.

BACKGROUND

Council employed Ms Simone Van Buerle, Manager Recreation and Events. The term of the contract is for three years, expiring on 8 December 2018.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 27th June 2003

Objective:
To allow for the proper execution of documents.

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.2 Employment opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/155

MOVED: Cr Gerry Parsons

SECONDED: Cr Jay Ahmedi

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Ms Simmone Van Buerle, Manager Recreation and Events for a term of three years, expiring on 8th December 2018.

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Mr David Kular, Manager Human Resources

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - JANUARY 2016

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to -

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/156

MOVED: Cr Michael Kitchen

SECONDED: Cr Craig Hoyer

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer for January 2016 be received.

**CARRIED
RECORD OF VOTE: 11 - 0**

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

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

11 MARCH, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 October 2014	13.1	SPORTING COMPLEX MARBLE BAR FIVE YEAR PLAN Cr Dean Hatwell asked if the electrical works can be included in the five year plan for the sporting complex. Ms Sian Appleton, Deputy Chief Executive Officer answered yes this will be included in the five year plan as appropriate.	CDS-Rural	CDS-Rural undertaking – after survey completed to identify priorities	March 2016
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire 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 Biddy 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
11 December 2015	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	DCEO	Currently requesting progress	In Progress

9.2.2 AFFIXING COMMON SEAL TO CONTRACT UNDER DELEGATED AUTHORITY

File Ref: LEG-18-5-2, BLD-8-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
Asset & Procurement Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil
11:35 AM Mr Allen Cooper left Chambers.

REPORT PURPOSE

To advise Council that the Common Seal has been affixed under delegated authority to:

- The Contract with Moore Stephens in relation to Audit Services (for a five year period).
- The Extension to Contract with Newman Cleaning Resources in relation to Cleaning Services (extended for a period of three months).
- The Contract with Wideglide in relation to SPQ 3 and 4 Refurbishment.
- The Contract with Wideglide in relation to 6 Bohemia Street Bathroom Refurbishment.

BACKGROUND

The Shire undertook a RFQ process to secure Auditing Services for a period of up to five years utilising the WALGA eQuotes system and accessing the WALGA Preferred Supplier Panel for Audit Services. Evaluation of the submissions received indicated that Moore Stephens would be the most beneficial to the Shire, and as such a Contract, for a period of five years, has now been prepared.

With respect to the extension to the Cleaning Contract with Newman Cleaning Resources, due to the fact that Tender documentation was being prepared and the Tender process still to be completed, it was necessary to extend the current Contract for a period of three months. The existing Contract expired on the 31st December, 2015, the extension of three months has extended this Contract to the 31st March, 2016 with the same terms and conditions.

With respect to the two Contracts for Wideglide, under the Home Building Contracts Act (HBCA) it is a requirement for residential building works that total \$7,500 or more a full contract in writing is required. Both of these projects are in excess of the \$7,500 amount set by HBCA, and as such Contracts have been prepared for both of these projects. Quotations for these two projects were sourced as per the Shire's Purchasing Policy.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 7 - Audit (Division 2 - Appointment of auditors) 7.3. Appointment of auditors (pg 268).

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM-14-9
Legislative Authority for Delegation: S5.42 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) _____

10.12 PURCHASING AND TENDER PROCEDURES



10.12 Purchasing and Tender Procedures

Responsible Directorate	Technical and Development Services
Responsible Officer	Chief Executive Officer Deputy Chief Executive Officer Director Technical and Development Services
File Number	TCH 1-7

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$149,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.



\$150,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.
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Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

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

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



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

1. Managers
2. Coordinator Property Services

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

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

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

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

Light Vehicle Purchases

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

Consultants Services

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

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

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

Light Vehicle Disposals

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

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

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

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



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

Regulatory Compliance

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

7. An emergency situation as defined by the Local Government Act 1995;
8. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
12. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.
13. The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.
14. The goods or services are obtained through an Australian Disability Enterprise.



References	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996 (as amended)</i> 		
Related Procedures	Nil		
Date Adopted by Council	27 June 2003	Item No	9.1.3
Review/Amendment Date	5 May 2006	Item No	
Review/Amendment Date	27 April 2007	Item No	9.3.5
Review/Amendment Date	24 July 2009	Item No	9.4.1
Review/Amendment Date	29 January 2010	Item No	9.1.6
Review/Amendment Date	11 March 2011	Item No	9.2.5
Review/Amendment Date	3 February 2012	Item No	9.1.8
Review/Amendment Date	25 May 2012	Item No	9.2.4
Review/Amendment Date	28 July 2012	Item No	9.2.7
Review/Amendment Date	28 June 2013	Item No	9.2.6
Review/Amendment Date	27 September 2013	Item No	9.2.7
Review/Amendment Date	6 December 2013	Item No	9.2.9
Review/Amendment Date	24 April 2014	Item No	9.2.17
Review/Amendment Date	12 December 2014		9.2.2
Review/Amendment Date	30 January 2015	Item No	9.2.6
Review/Amendment Date	6 March 2015	Item No	9.2.11
Review/Amendment Date	26 June 2015	Item No	9.2.7
Review/Amendment Date	25 September 2015	Item No	9.2.4
Review/Amendment Date	23 October 2015	Item No	10.2.6
Next Review			

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: 201516/157

MOVED: Cr Lang Coppin

SECONDED: Cr Michael Kitchen

THAT Council

1. **Note that the Common Seal has been affixed under delegated authority to the Contract with Moore Stephens in relation to Audit Services (for a five year period).**
2. **Note that the Common Seal has been affixed under delegated authority to the Extension to Contract with Newman Cleaning Resources in relation to Cleaning Services (for a period of three months).**
3. **Note that the Common Seal has been affixed under delegated authority to the Contract with Wideglide in relation to the Refurbishments of SPQ 3 and SPQ 4, Marble Bar.**
4. **Note that the Common Seal has been affixed under delegated authority to the Contract with Wideglide in relation to the Bathroom Refurbishment of 6 Bohemia Street, Marble Bar.**

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Ms Dawn Brown, Asset & Procurement Administration Officer

9.2.3 AUDIT COMMITTEE REPORT - 3 DECEMBER 2015

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Andries Gertenbach
Manager Corporate Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:38 AM Mr Allen Cooper returned to the Chambers

REPORT PURPOSE

For Council to consider the recommendation of the Audit Committee to appoint Mr David Tomasi of Moore Stephens as Council's auditor.

BACKGROUND

The Audit Committee met on 3rd December 2015 and the minutes of that meeting were presented to Council at the 11 December 2015 Ordinary Council Meeting.

The recommendation for the appointment of an auditor was not dealt with at that meeting.

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 the Audit Committee minutes from 3 December 2015.

POLICY IMPLICATIONS

Refer to the Audit Committee minutes from 3 December 2015.

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

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/158

MOVED: Cr Dean Hatwell

SECONDED: Cr Jay Ahmed

THAT Council appoint Mr David Tomasi of Moore Stephens as Council's Auditor for the five years commencing 1 July 2015 to 30 June 2020 as recommended by the Audit Committee.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Andries Gertenbach, Manager Corporate Services

9.2.4 AUDIT COMMITTEE REPORT - 25 FEBRUARY 2016

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Andries Gertenbach
Manager Corporate Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:38 AM Mr Allen Cooper returned to the Chambers

REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

BACKGROUND

The Audit Committee met on the 25th February 2016 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: 201516/159

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

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

AUDIT COMMITTEE RECOMMENDATION 1:

THAT Council

- 1. Review the Auditor's Report to the Audit Committee;**
- 2. Endorse the Management Comments and actions taken**
- 3. Receive the Report to the Audit Committee.**
- 4. Authorise the Chief Executive Officer to prepare and forward a report to the Minister.**

AUDIT COMMITTEE RECOMMENDATION 2:

THAT Council adopt the Compliance Audit Return for the Calendar year 1 January 2015 to 31 December 2015.

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Andries Gertenbach, Manager Corporate Services

9.2.5 AUDITOR REPORT TO THE AUDIT COMMITTEE

File Ref: FIN-20-1

Attachments: [Auditors Report to the Audit Committee](#)
[Termination Procedure](#)
[Leave Dates Review](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Andries Gertenbach
Manager Corporate Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To review and accept the Auditor's Report to the Audit Committee as presented.

BACKGROUND

The Shire's annual financial audit for the year ended 30 June 2015 was an unmodified audit opinion and was accepted by the Audit Committee and Council in December 2015.

The auditor also presents a Report to the Audit Committee that identifies key audit risks, including a summary of the audit procedures and adjusted/unadjusted difference. While there was one misstatement identified during the audit and mentioned in the report, this was corrected at that time.

The Local Government Act requires Council to consider any matters raised in the Report to the Audit Committee, to assess whether the responses to the report are satisfactory and to forward a copy of those responses to the Local Government Department.

The details of these requirements are to be found under the "Statutory Implications/Requirements" later in this item.

COMMENTS/OPTIONS/DISCUSSIONS

The Auditor's Report to the Audit Committee is attached.

The following weaknesses were identified in the report:

"Signatories on Bank accounts:

BDO noted during the audit that the bank confirmation had listed a number of employees who were no longer employed by the Shire and no longer in the finance division of the shire. This indicates an internal control weakness and BDO

recommends that the shire evaluate on a periodic basis the access requirements of staff for the shires bank accounts.”

Management Comment

This matter has since been rectified and a procedure is now in place whereby when a staff member leaves the organisation a checklist of items that need to be dealt with is implemented and signed off.

“Employee entitlement schedules:

It was noted during the course of the audit that there were changes made to the “start dates” in the leave entitlement calculations for a number of employees. Through our enquiries finance staff confirmed that changes were required to update and reflect the current period entitlement balances. BDO note that for the purposes of the audit this error was not considered as being material. However this does indicate an internal control weakness and BDO recommends that the shire implement an internal review process where data inputs into the general ledger are reviewed and authorised by a second person prior to posting.”

Management Comment

These errors were identified prior to the Auditor’s visit and corrected. A procedure is now in place whereby data entry, with regards to employees entitled to Long Service Leave, will be checked and signed off by a manager to ensure accuracy.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 7 - Audit (Division 3 - Conduct of audit) 7.9. Audit to be conducted (pg. 275)

- (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; and
 - (b) the CEO of the local government; and
 - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit; or
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.

Part 7 - Audit (Division 4 - General) 7.12A. Duties of local government with respect to audits (pg. 277)

- (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 section 7.9 is received by the local government, whichever is the latest in 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

1.1.2 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: 201516/160

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council

1. Review the Auditor's Report to the Audit Committee;
2. Endorse the Management Comments and actions taken
3. Receive the Report to the Audit Committee.
4. Authorise the Chief Executive Officer to prepare and forward a report to the Minister.

CARRIED
RECORD OF VOTE: 11 - 0

To be actioned by Mr Andries Gertenbach, Manager Corporate Services

9.2.6 COMPLIANCE AUDIT REPORT 2015

Attachments:	Compliance Audit Return 2015.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Andries Gertenbach Manager Corporate Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council's comment on and receivable of the Local Government Compliance Audit Return ("CAR") for the period 1 January 2015 to 31 December 2015.

BACKGROUND

Council must complete an annual audit of compliance with statutory requirements

The Compliance Audit Return is a checklist of compliance with statutory obligations relating to the provision of services by, and the management of, a local government.

The *Local Government Act 1995* requires that each local government is to carry out a compliance audit for the period 1 January to 31 December each year, against the requirements included in the CAR for the year.

After the completion of the CAR the following should occur:

- (a) the Audit Committee is to review the CAR;
- (b) the CAR is to then be presented to a subsequent meeting of Council;
- (c) The CAR is to be adopted by the Council before 31 March;
- (d) the adoption is to be recorded in the minutes of the meeting at which it is adopted; and
- (e) a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Department of Local Government by 31 March.

COMMENTS/OPTIONS/DISCUSSIONS

Over previous years this Council has produced the report by using either an independent consultant or doing the report in house. On this occasion the Compliance Audit has been completed in house by the newly appointed Manager Corporate Services.

The structure of the CAR was revised in 2011 when the Department decided to include only the areas of compliance that they consider to be of high risk thereby reducing the number of pages from twenty seven down to eight.

This format has been implemented since then and the CAR now has nine sections but this year there has been an increase in the number of questions in the “Tenders for Providing Goods and Services” section making a total of eighty seven questions to be answered.

Area questions relate to	No. of questions	Yes Answers	No Answers	Not Applicable
Commercial Enterprises	5			5
Delegation of Power/Duty	13	8		5
Disclosure of Interest	16	16		
Disposal of Property	2	1		1
Elections	1	1		
Finance	14	8	1	5
Local Government Employees	5			5
Official Conduct	6	5		1
Tenders for Providing Goods and Services	25	24		1
Total	87	63	1	23

There has been one incidence of a “No” answer in the Finance Section which relates to the Members of the Audit Committee needing to be appointed by Absolute Majority vote of Council. This will be corrected when the item on appointment of committees is brought to the Council at the March meeting.

Other than this, compliance has been reached on all other questions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 7 - Audit (Division 4 - General) 7.13. Regulations as to audits (pg. 274)

- 1 Regulations may make provision –
 - (i) Requiring local governments to carry out...an audit of compliance as prescribed.

Regulation 13 of the *Local Government (Audit) Regulations* prescribes the item to be subject to an audit.

Regulation 14 of the *Local Government (Audit) Regulations* states that a compliance audit shall be prepared and lays out the form and manner of its preparation

Regulation 15 of the *Local Government (Audit) Regulations* deals with the return of the compliance audit to the Department of Local Government after its presentation to the Audit Committee and Council.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/161

MOVED: Cr Shane Carter

SECONDED: Cr Michael Kitchen

THAT Council adopt the Compliance Audit Return for the Calendar year 1 January 2015 to 31 December 2015.

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Andries Gertenbach, Manager Corporate Services

9.2.7 RISK MANAGEMENT PROCEDURES

File Ref:	LEG-19-2
Attachments:	<u>Risk Management Procedures dotx</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the Risk Management Procedures including the Shire's Risk Appetite Statement.

BACKGROUND

Council is currently working towards an integrated Risk Management Framework. On the 24th April 2014 Council endorsed a new policy – Risk Management. The objective of this policy is to ensure that sound Risk Management practices and procedures are fully integrated into Council's strategic and operational planning processes and provide direction on how Council is to manage risk.

Further, at the 27 June 2014 Council meeting, Council endorsed the Shire's new Risk Management Strategy. The strategy is a tool to help develop the integrated Risk Management Framework.

COMMENTS/OPTIONS/DISCUSSIONS

Since this time Council officers have worked through the development of Risk Profiles and Risk Management Procedures to further embed Risk Management principles into the Council's operations and strategic direction.

The Risk Management Procedures also include a Risk Appetite Statement that sets out the amount of risk to which council is prepared to be exposed to before it judges action is necessary.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Audit) Regulations 1996 Section 17.

POLICY IMPLICATIONS

4.12 RISK MANAGEMENT POLICY

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/162

MOVED: Cr Shane Carter

SECONDED: Cr Jay Ahmed

THAT Council endorse the Risk Management Procedures including the Risk Appetite Statement.

**CARRIED
RECORD OF VOTE: 11 - 0**

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

9.2.8 COMMUNITY SAFETY PLAN

File Ref: STR-3-13

Attachments: [Part 1 - East Pilbara CSIS Project Report FINAL070116.docx](#)
[Part 2- East Pilbara Community Safety Plan 070116 FINAL DRAFT.docx](#)
[Part 3 CSP Individual Project Plans 070116 docx](#)

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

11:50 AM Cr Jay Ahmedi left Chambers.
11:53 AM Cr Jay Ahmedi returned to the Chambers

REPORT PURPOSE

For Council to receive the Community Safety Identification Study Part One – Report to the Shire of East Pilbara on Key Findings and the Part Three – Individual Project Plan (for internal use only) and to endorse Part Two – Community Safety Plan 2016-2018.

BACKGROUND

In 2009 the Shire of East Pilbara entered into a partnership with the Office of Crime Prevention as part of State Government initiative for improving community safety and reducing crime. The first element in that partnering was the development of a Shire-specific Community Safety and Crime Prevention Plan (2009-2011).

The Plan identified and prioritised local community safety and crime prevention issues, and developed a series of strategies and actions to address those issues. The Plan emphasised a partnership approach to addressing key issues; whilst the Shire has a role and a responsibility in coordinating and facilitating crime prevention and community safety, a number of initiatives are necessarily driven and delivered by other agencies and groups.

In 2013 Michelle Manus Contracting was engaged to update this plan. The Community Safety and Crime Prevention Plan 2014-2016 was endorsed by Council on the 27 September 2013.

COMMENTS/OPTIONS/DISCUSSIONS

Michelle Manus Contracting was again engaged in 2015 to update the Plan. Significant community consultation was undertaken and is reflected in Part One of the Plan – Key Findings.

The study also included a literature review of best practice in community safety, consolidation of safety-related finding from other recent projects and further consultation with senior staff.

The key deliverables of the study were

1. Part One: Project report to the Shire summarising findings and conclusions
2. Part Two: Community Safety Plan
3. Part Three: Individual Project Plans

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

2.25 OCCUPATIONAL HEALTH AND SAFETY POLICY

4.10 VANDALISM – REWARD FOR CONVICTION

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

2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Receive Part One of the Community Safety Plan**
- 2. Endorse Part Two of the Community Safety Plan**
- 3. Receive Part Three of the Community Safety Plan**

COUNCIL RESOLUTION: 201516/163

MOVED: Cr Michael Kitchen

SECONDED: Cr Jay Ahmed

THAT Council

- 1. Receive Part One Community Safety Identification Study**
- 2. Endorse the Community Safety Plan 2016-2018**
- 3. Receive Part Three Community Safety Plan Identification Study – Individual Project Plans**

CARRIED
RECORD OF VOTE: 11 - 0

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

Reason for Non Acceptance of Officer's Recommendation: To correctly identify the appropriate documents.

**9.2.9 NEWMAN HOUSE - DEED OF SURRENDER OF LEASE AND
ASSIGNMENT OF SUBLEASES**

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: Newman House

Name of Applicant: Newman House Building Management
Committee and Shire of East Pilbara

Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Office applied the common seal of the Shire of East Pilbara to the Newman House – Deed of Surrender of Lease and Assignment of Subleases.

Newman House – Located at 46 Iron Ore Parade, Newman.

BACKGROUND

The Newman Community Centre – Building Management Committee Inc has presented previously to the Shire of East Pilbara they were unable to continue with the Management of the Newman House Facility. Therefore advising Council they wish to surrender the current lease agreement between the Newman Community Centre – Building Management Committee Inc and Shire of East Pilbara for Newman House.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara arranged for the Deed of Surrender of Lease and Assignment of Subleases to be prepared by the McLeod's Solicitors.

The Deed of Surrender of Lease and Assignment of Sub Leases has been signed by both parties

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into

account any specific or policy requirements of council where:

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/164

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Deed of Surrender of Lease and Assignment of Sub Leases for Newman House, located at 46 Iron Ore Parade, Newman.

CARRIED
RECORD OF VOTE: 11 - 0

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

**9.2.10 AMENDMENT TO SHIRE FEES AND CHARGES FOR BOOKING AND
LEASING RATES FOR NEWMAN HOUSE**

File Ref: A417550
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to approve an amendment to the Shire's fees and charges for booking and leasing rates for Newman House.

BACKGROUND

Council at the October 2015 ordinary meeting (resolution # 201516/32) resolved to transfer the management of Newman House from the Building Management Committee to Council.

As part of this formality, both parties signed a deed of surrender and assignment of subleases formalising Council as the lessor.

COMMENTS/OPTIONS/DISCUSSIONS

Council has received expressions of interest from several organisations to lease office space within Newman House. In addition, there are existing tenants that currently do not have lease agreements.

In order to negotiate lease agreements with existing and potential lease holders, staff reviewed the existing rates and have found that there are some inconsistencies currently being charged to NGO and Government organisations.

The attached Rental Rate was created when the Newman House officially opened, the rental rate in 2013 commenced as follows;

NGO	\$470.00 + 3.5% annual rent increase
Government	\$560.00 + 3.5% annual rent increase

The proposed rental rate for 2016

NGO	\$525.00 + 3.5% annual rent increase
Government	\$625.00 + 3.5% annual rent increase

Please see the below table,

Standard office of 15.70sqm at Newman House the monthly cost increase are as follows including GST since 2013 and proposed to 2019.

NGO Rates					
15.7 sqm					
(Office Space)	3.5%				
Periods - invoice annually	Yrly Rental Fee Gst Exc	Yrly Rental with Gst Inc	Yearly Gst	Monthly Rental incl GST	Sqm Rate
1 July 13 - 30 June 2014	\$ 7,379.00	\$ 8,116.90	\$ 737.90	\$ 676.41	\$ 470.00
1 July 14 - 30 June 2015	\$ 7,637.27	\$ 8,400.99	\$ 636.44	\$ 700.08	\$ 486.45
1 July 15 - 30 June 2016	\$ 7,904.57	\$ 8,695.03	\$ 658.71	\$ 724.59	\$ 503.48
New lease agreement commences with the Shire of East Pilbara 1st July 2016					
New Lease 2016					
	3.5%				
Periods - invoice annually	Yrly Fee Gst Exc	Yrly Fee Gst Inc	Yearly Fee Gst	Monthly Rental incl GST	Sqm Rate
1 July 2016 - 30 June 2017	\$ 8,242.50	\$ 9,066.75	\$ 824.25	\$ 755.56	\$ 525.00
1 July 2017 - 30 June 2018	\$ 8,530.99	\$ 9,384.09	\$ 853.10	\$ 782.01	\$ 543.38
1 July 2018 - 30 June 2019	\$ 8,829.57	\$ 9,712.53	\$ 882.96	\$ 809.38	\$ 562.39

Additionally, if there is available office space this could be hired for short term bookings.

Office Hire	Weekly	\$250.00	<i>does not include data or phone services</i>
	Daily	\$ 75.00	<i>does not include data or phone services</i>

Within the operation of Newman House, there are booking charges for the use of facility equipment which also need to be set by council.

These hire charges are:

ROOM REQUIREMENTS (Please Circle)

Conference Phone	— \$50 daily	Four Screen Electronic White Board with Printer	— \$50 daily
Video Conference	— \$25 hourly	PA System with Wireless Microphones	— \$50 daily
Smart-board	— \$50 daily	Projector and Screen	— \$40 daily
Tea/Coffee/Water	— \$5 per person		

STATUTORY IMPLICATIONS/REQUIREMENTS

1 Subdivision 2 — Fees and charges

2 6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

3 6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

4 6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

5 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**POLICY
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

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

3.3.2 Build connected and accessible towns
Responsible officer: DTDS
Timing: 1-5 years

3.3.3 Provide infrastructure to support economic development
Responsible officer: DCEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/165

MOVED: Cr Craig Hoyer

SECONDED: Cr Dean Hatwell

THAT Council,

1. Approve the Newman House Leasing Rates

- a) **NGO – Newman House Rental Rate, \$525.00 + 3.5% annual rental increase**
- b) **Government – Newman House Rental Rate, \$625.00 + 3.5% annual rental increase.**
- c) **Short Term Office Hire**
 - i) **Weekly \$250.00, does not include phone or data service**
 - ii) **Daily \$75.00, does not included phone or data service**

2. Approve the following booking charges

ROOM REQUIREMENTS (Please Circle)

Conference Phone	— \$50 daily	Four Screen Electronic White Board with Printer	— \$50 daily
Video Conference	— \$25 hourly	PA System with Wireless Microphones	— \$50 daily
Smart-board	— \$50 daily	Projector and Screen	— \$40 daily
Tea/Coffee/Water	— \$5 per person		

3. Impose the new fees effective from the 1 April 2016.

4. Provide notice of the adopted fees as advertised, pursuant to Section 6.19 of the *Local Government Act 1995*.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

9.2.11 COMMUNITY ASSISTANCE GRANTS ROUND 2 OF 2015/16

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Pip Parsonson
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:55 AM Mr Allen Cooper left Chambers.

REPORT PURPOSE

For council to consider and make decision on the Community Assistance Grant Funding Applications for Round 2 of the 2015/2016 financial year.

BACKGROUND

At the June 2015 Council meeting, a new policy and guidelines were adopted for the Shire's Community Assistance Grants and Sponsorship Program. Changes were made to, the eligibility criteria; the amounts that can be applied for; and in the case of individual sponsorship for local young people, by the introduction of formal eligibility criteria.

The Shire of East Pilbara's Community Assistance Grants and Sponsorships are designed to promote community development and well-being within the East Pilbara local government area.

Grants are available to not-for-profit organisations involved in arts, culture, sports, recreation and social services. Limited support is also available to local educational institutions. Applicants must fit one of the following categories.

1. A not-for-profit community organisation providing a community service within the East Pilbara region where there is a demonstrated community need or benefit.
2. An educational institution in the East Pilbara for award presentations only.
3. A sporting Association to assist with club development (eg. Coaching courses, governance training and/or grant writing courses).
4. An organisation involved in cultural development within the East Pilbara.

Applications for the Community Assistance Grant Number 3 can be made by clubs and community groups twice per year. Round One (1) opens on the 1st of July and closes on the 31st July and are assessed at the next scheduled Council Meeting. Round Two (2) opens on January 1st and closes on January 31st and are assessed at the next scheduled Council Meeting. Each application is eligible for a grant of up to \$6,000 in cash or in kind.

COMMENTS/OPTIONS/DISCUSSIONS

This round, the Shire received seven (7) applications from community groups and sporting clubs, all of which are based in the East Pilbara. All seven (7) applications meet the Shire's Community Assistance Grants eligibility criteria. Details are as follows;

Applicant organisation	Meets Criteria	Requested	Description of Project
East Pilbara BMX Club	Yes	6000	To build a safe enclosed area for younger children not competing in the BMX activities
Marble Bar Ball Committee	Yes	6000	Increase publicity & participation of the Marble Bar Race weekend through the Marble Bar Race Ball to increase tourism & promote the region with a high profile event.
Whaleback Ladies Darts Club Inc.	Yes	4000	To host the 2016 Ladies Pilbara Darts Championships including upgrading of current equipment to make the event successful
Newman Jetsprint Club	Yes	6000	To complete two power boat meetings at the purpose built track in Newman one on the WA Day long weekend and the other on the Newman Fortescue Festival weekend
Newman Boxing Club	Yes	5000	To host the Northwest boxing event bringing in competitors from around the state to showcase boxing generally and the talent in the East Pilbara
Newman Motorcycle Club Inc.	Yes	3388	To install an honour board & make improvements to the canteen for safety & maintenance purposes
Cats Football and Sporting Club	Yes	2736	To install two water coolers into the clubrooms to ensure filtered cool water is available at all times for users of the club rooms, especially those engaged in physical activity
TOTAL applied for		33,124	

A summary of each application follows overpage.

Name of organisation		East Pilbara BMX Club			
Activity the organisation is seeking funding for		Safe enclosed play area			
Amount Requested \$6000			Total Budget \$12000		
Type of fund request		In kind <input type="checkbox"/>		Cash <input checked="" type="checkbox"/>	
Funding sought from other organisations		YES <input type="checkbox"/>		NO <input checked="" type="checkbox"/>	
If yes, amount funded from other organisation		\$			
Previous funding from Shire of East Pilbara	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If yes, amount received and Year	\$5000 Year: 13/14	
Funds Acquitted	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:		
Outstanding Shire Debts	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Comments:		
Does Application meet funding criteria?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:		
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Target Group of project outcome	Spectators, families & children of Newman who frequent the BMX club.				
Description	To provide a safe enclosed area for younger children not competing or not registered to play safely.				
Benefit to East Pilbara Community	The BMX club provides a wonderful healthy outlet for children of all ages & the young at heart. After 10 years of being dormant the BMX club has been back operational for just over a year & attracted over 100 riders to register last year. The new area would allow younger children to be brought along & be able to play safely in an enclosed space so families with multiple children & those too young to ride can participate.				
Purpose of Grant	To help pay for the costs relating to building the area including the fencing etc.				
Acknowledgement of SOEP	Signage on play area/ banner, thank you statement in Newman News & on social media				

Name of organisation		Marble Bar Ball Committee	
Activity the organisation is seeking funding for		Marble Bar Ball	
Amount Requested \$6000		Total Budget \$30000	
Type of fund request	In kind <input type="checkbox"/>	Cash <input checked="" type="checkbox"/>	
Funding sought from other organisations	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
If yes, amount funded from other organisation	\$ 7500		
Previous funding from Shire of East Pilbara	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If yes, amount received and Year: Year:
Funds Acquitted	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit		
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only		
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).		
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara		
Target Group of project outcome	Up to 200 people made up of a broad mix of the community including people from interstate, Perth, Port Hedland, Karratha, Broome as well as lots of people from local pastoral stations & Marble Bar, Nullagine & Newman residents.		
Description	Increase publicity & participation in the Marble Bar Race weekend with the Marble Bar Race Ball to increase tourism & promote the region with a high class event.		
Benefit to East Pilbara Community	The Marble Bar Races & Race Ball have been held nearly every year since 1893, the Ball Committee started in 2012 after the ball was not held in 2011 the committee decided to change the format & hold the Ball on Friday night bring extra people to Marble Bar for an extra night & increasing tourism & earnings for local businesses. The Marble Bar Race weekend is an iconic event for the East Pilbara changing a town of 350 to 2000 in a matter of days.		
Purpose of Grant	To keep the Race Ball tickets at \$100 each by assisting with some of the related costs to hold the event such as security & band etc.		
Acknowledgement of SOEP	Logo on promotional flyers & advertising for the event. Recognition on our website www.marblebarraces.com & our Facebook page "Marble Bar Races". The Shire will also be thanked in any media outlets that pick up the event (North West Telegraph, Hedland & Marble Bar community radio, Spirit Radio & ABC NW Radio.)		

Name of organisation		Whaleback Ladies Darts Club Inc.	
Activity the organisation is seeking funding for		Hosting the Pilbara Darts Championships	
Amount Requested \$4000		Total Budget \$9000	
Type of fund request	In kind <input type="checkbox"/>	Cash <input checked="" type="checkbox"/>	
Funding sought from other organisations	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
If yes, amount funded from other organisation	\$		
Previous funding from Shire of East Pilbara	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If yes, amount received and Year: Year:
Funds Acquitted	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit		
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only		
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).		
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara		
Target Group of project outcome	Anticipate 110+ players plus there supporters & any spectators from around the Pilbara & down to Carnarvon will travel for this event in Newman, A large portion of players & those involved are indigenous.		
Description	Successfully host the 2016 Ladies Pilbara Darts Championships including upgrading of current equipment to make the event successful		
Benefit to East Pilbara Community	<p>The ladies darts club provides a sporting & social outlet for those often marginalised, a lot of members are not working, financially challenged, indigenous & over 40 making normal team sporting activities difficult to be included in/participate in.</p> <p>The club supports the Newman Club hosting all their season games there & will also host the Championships at the Club bringing much needed funding & support for the Club.</p> <p>The club regularly travels to other Pilbara towns to represent Newman in darts.</p>		
Purpose of Grant	To purchase new equipment to make the darts championship a success		
Acknowledgement of SOEP	Banners displayed, any publicity received we will acknowledge the Shire's support. Any other participation is also welcomed if the Shire wants to be further involved.		

Name of organisation		Newman Jetsprint Club	
Activity the organisation is seeking funding for		WCJSC Round 1 points round	
Amount Requested \$6000		Total Budget \$17200	
Type of fund request	In kind <input type="checkbox"/>	Cash <input checked="" type="checkbox"/>	
Funding sought from other organisations	YES <input checked="" type="checkbox"/>		NO <input type="checkbox"/>
If yes, amount funded from other organisation	Coates hire in kind support \$1000 free use of equipment		
Previous funding from Shire of East Pilbara	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If yes, amount received and Year \$5000 x 2 Year: 10/11 14/15
Funds Acquitted	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit		
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only		
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).		
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara		
Target Group of project outcome	Club members approx. 10, and spectators 350-550 including out of town members		
Description	To complete two power boat meetings at the purpose built track in Newman one on the WA Day long weekend and the other on the Newman Fortescue Festival weekend		
Benefit to East Pilbara Community	To keep an exciting event on the calendar which is currently only done in two venues in WA & Newman is only one of 4 venues in Australia to host Jetsprint boats. It gives the people of the East Pilbara a very unique opportunity even offering joy rides in the boats for a small fee & a strong stomach.		
Purpose of Grant	The main purpose of the grant will be to pay for the transport of the boats to & from Newman. Last year the boats were brought up for the first round in June & then remained here until after the August event which is the plan again this year to save on costs & attract more people to town to participate.		
Acknowledgement of SOEP	Signage on banners & posters, public address via commentary, logo on posters, internet, podcast, Facebook, Action Photo shots with banner/logo in background		

Name of organisation		Newman Boxing Club	
Activity the organisation is seeking funding for		Northwest Boxing Event	
Amount Requested \$5000 in-kind \$937.50 Cash\$4062.50		Total Budget \$64200	
Type of fund request	In kind <input checked="" type="checkbox"/>	Cash <input checked="" type="checkbox"/>	
Funding sought from other organisations	YES <input checked="" type="checkbox"/>		NO <input type="checkbox"/>
If yes, amount funded from other organisation	Newman club donation of venue (in kind) BHP Billiton grant (\$20,000 applied for not approved at time of submission.)		
Previous funding from Shire of East Pilbara	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If yes, amount received and Year \$5000 Year: 10/11
Funds Acquitted	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit		
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only		
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).		
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara		
Target Group of project outcome	1000+ spectators & participants.		
Description	To host the Northwest boxing event bringing in competitors from around the state to showcase boxing generally and the talent in the East Pilbara		
Benefit to East Pilbara Community	To bring an exciting event to the Pilbara educating the community on the nature of boxing & ensuring that the spectators understand the technique, respect & safety of the sport. Newman Boxing Club has been running for over 10 years & provided fitness classes & coaches those more serious on training to box in events. All staff are volunteers with all money raised being re-invested in the club.		
Purpose of Grant	The main purpose of the grant will be to help pay for the trophies, lighting, Dr Green's fees and a portion of the Ambulance fee as well as the in kind use of table & chairs.		
Acknowledgement of SOEP	Signage on banners & posters, Verbal acknowledgement via commentary on the night, logo on posters, internet, Facebook, any newspaper/ media coverage & would like a shire staff member or council representative to award some trophies.		

Name of organisation		Newman Motorcycle Club Inc			
Activity the organisation is seeking funding for		Honour Board & Canteen upgrades			
Amount Requested \$3388		Total Budget \$6776			
Type of fund request		In kind <input type="checkbox"/>		Cash <input checked="" type="checkbox"/>	
Funding sought from other organisations		YES <input type="checkbox"/>		NO <input checked="" type="checkbox"/>	
If yes, amount funded from other organisation					
Previous funding from Shire of East Pilbara		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If yes, amount received and Year	\$5000 Year: 14/15
Funds Acquitted		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:	
Outstanding Shire Debts		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Comments:	
Does Application meet funding criteria?		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:	
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Target Group of project outcome		Club members, Newman community & event participants during the year			
Description		To put up an honour board & make some changes to the canteen for safety & maintenance purposes			
Benefit to East Pilbara Community		The Club has been in operation for 30+ years & puts on 8 home club rounds during the year as well as practise days & nights & coaching where & when possible. They also host interclub rounds including the Newman Memorial event which is the first round in the North West championships. It would be nice to be able to honour the people who have worked so hard to keep the club running			
Purpose of Grant		To pay for an honour board to be erected & to make changes in the canteen to make it better able to cope with the heat and fumes currently caused by the electrical appliances & the deep fryer			
Acknowledgement of SOEP		Plaque on honour board & signage on canteen.			

Name of organisation		Cats Football & Sporting Club	
Activity the organisation is seeking funding for		Water cooler installation	
Amount Requested \$2736		Total Budget \$5473	
Type of fund request	In kind <input type="checkbox"/>	Cash <input checked="" type="checkbox"/>	
Funding sought from other organisations	YES <input type="checkbox"/>		NO <input checked="" type="checkbox"/>
If yes, amount funded from other organisation			
Previous funding from Shire of East Pilbara	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If yes, amount received and Year: 13/14 \$5000
Funds Acquitted	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit		
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only		
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).		
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara		
Target Group of project outcome	Club members approx. 100, and all club house users during the year approx. 1000		
Description	To install two water coolers into the clubrooms to ensure filtered cool water is available at all times for users of the club rooms, especially those engaged in physical activity.		
Benefit to East Pilbara Community	The Club has been in operation for 40+ years & has football, netball, cricket & social activities run throughout the year. They also host other community events making the club rooms available for Fortescue Festival events, sporting functions etc.		
Purpose of Grant	To replace the current water coolers as they are defunct		
Acknowledgement of SOEP	Verbal acknowledgement at club functions for the 2016 year and an article to be submitted to the Northwest Telegraph with photos of the new coolers & Facebook updates on progress of the installation.		

The overall Community Assistance Grant budget for 2015/16 is \$60,000, (GL 81014). As at 31 January 2016 the balance of the Community Assistance Grants budget was \$43,839. The total amount sought for Round 2 of the 2015/16 financial year is \$33,124. This leaves a balance of \$10,715 for the remainder of the 2015/16 financial year.

Each of the Round 2 applications have been individually assessed against the eligibility criteria, as noted earlier they are all eligible for funding. Accordingly, on the basis that all applications are eligible and the total amount sought fits within the allocated budget, it is recommended that all applications are fully funded.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.3 Implement civic engagement projects

Responsible officer: MCW

Timing: 1-3 years

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

2.4.4 Equity and opportunities for all

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: 201516/166

MOVED: Cr Gerry Parsons

SECONDED: Cr Jay Ahmed

THAT Council

- 1. Approve the Community Assistance Grant application from the East Pilbara BMX Club for \$6,000 cash support to build a safe enclosed area for younger children not competing in the BMX activities.**
- 2. Approve the Community Assistance Grant application from the Marble Bar Ball Committee for \$6,000 cash support to increase publicity & participation in the Marble Bar Race weekend through the Marble Bar Race Ball to increase tourism & promote the region.**
- 3. Approve the Community Assistance Grant application from the Whaleback Ladies Darts Club Inc. for \$4,000 cash support to host the 2016 Ladies Pilbara Darts Championships and to assist with the upgrading of club equipment.**
- 4. Approve the Community Assistance Grant application from the Newman Jetsprint Club for \$6,000 cash support to run two power boat meetings at the purpose built track in Newman on the WA Day long weekend and on the Newman Fortescue Festival weekend.**
- 5. Approve the Community Assistance Grant application from the Newman Boxing Club for \$4,062.50 cash support and \$937.50 in-kind support to host the Northwest Boxing Event on the 27/28 May 2016.**
- 6. Approve the Community Assistance Grant application from the Newman Motorcycle Club Inc. for \$3,388 to install an honour board & make improvements to the club's canteen for safety & maintenance purposes.**
- 7. Approve the Community Assistance Grant application from the Cats Football and Sporting Club for \$2,736 to install two water coolers into the clubrooms.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Pip Parsonson, Manager Community Wellbeing

9.2.12 BUDGET REVIEW AS AT 31 JANUARY 2016

File Ref: FIN-23-10
Attachments: [Budget Review Doc Jan 16.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider and accept the budget review as at 31 January 2016.

BACKGROUND

This 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 seventeen page report detailing projected actual figures to 31 January 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.

The bought forward surplus in the budget varied by only \$30,000.

As at the 31 January material variances in the operating and capital budget are as follows:

General Purpose Funding – Function 3

Rates are currently down on budget by approximately \$400,000.

Governance – Function 4

Underspend on wages approximately \$170,000

Education and Welfare – Function 8

BHP Events money not approved. Matched by reduction in expenditure.

Community Amenities – Function 10

Liquid disposal fees are up on budget by approximately \$1,000,000

Tip fees down on budget approximately \$100,000

Planning applications are down on budget - \$76,000

Recreation and Culture – Function 11

Martumili reduction in income matched by decrease in expenditure

BHP Billiton funding for pool upgrade planning not approved matched by reduction in expenditure.

Economic Development – Function 13

BHP Billiton funding of \$2,200,000 not currently approved. Matched by reduction in expenditure outside.

Major reduction of \$5,000,000 in income statement is \$3,500,00 for BHP Billiton funded capital items and \$1,000,000 in reduction in septage waste income.

The following additional expenditure on capital is submitted for consideration by Council:

New Capital Expenditure		
EPAC – Carpark and additional toilets.	Increase	1,000,000
Community Library Infrastructure - Airconditioner	Increase	250,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		1,250,000

Capital Items not Undertaken		
Various Buildings Works		615,000
Aquatic Centre Works		170,000
Plant – Road Sweeper		250,000
Point of Sale Software		30,000
TOTAL CAPITAL WORK NOT UNDERTAKEN		1,065,000

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Financial Management) Regulations 1996 – Part 3 Annual Budget s6.2

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.*

Local Government Act 1995 Part 6, Division 4

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) Subject to subsection (3), before a local government —*
 - (a) changes* the purpose of a reserve account; or*
 - (b) uses* the money in a reserve account for another purpose,**it must give one month's local public notice of the proposed change of purpose or proposed use.*
** Absolute majority required.*

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

If the budget review is accepted by Council it is expected that Council will bring forward a surplus of approximately \$108,000 into the 2016/2017 year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/167

MOVED: Cr Gerry Parsons

SECONDED: Cr Jay Ahmed

THAT Council

- 1. Accept the Budget Review for the 31st January 2016 as set out.**
- 2. Authorise additional capital expenditure as follows:**

New Capital Expenditure		
EPAC – Carpark and additional toilets.	Increase	1,000,000
Community Library Infrastructure - Air conditioner	Increase	250,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		1,250,000

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

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

9.2.13 CREDITORS FOR PAYMENT

File Ref: FIN23-9

Attachments: [Schedule of Accounts Chq.pdf](#)
[Schedule of Accounts EFT.pdf](#)
[Schedule of Accounts Manual Cheque pdf](#)

Responsible Officer: Mr Andries Gertenbach
Manager Corporate Services

Author: Mrs Jeanette Bessell
Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:57 AM Mr Allen Cooper returned to the Chambers

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 29th January 2016.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	#31826 - #32226	\$2,766,328.08
	Total	\$2,766,328.08
Cheque Payments	#23939 - #23972	\$36,314.43
Manual Cheque Payments	#258 - #260	\$20,640.19
	Total	\$56,954.62
	GRAND TOTAL	<u>\$2,823,282.70</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES
CHQ #'s NIL

CANCELLED CHEQUES & EFTS

CHQ# 23946

EFT#'s 31866, 31980, 32018 and 32027

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 \$2,823,282.70

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/168

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	#31826 - #32226	\$2,766,328.08
	Total	\$2,766,328.08
Cheque Payments	#23939 - #23972	\$36,314.43
Manual Cheque Payments	#258 - #260	\$20,640.19
	Total	\$56,954.62
	GRAND TOTAL	<u>\$2,823,282.70</u>

CARRIED
RECORD OF VOTE: 11 - 0

To be actioned by Mrs Jeanette Bessell, Finance Officer

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - JANUARY 2016

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to -

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/169

MOVED: Cr Anita Grace

SECONDED: Cr Gerry Parsons

THAT the "Status of Council Decisions" – Director Technical and Development Services for January 2016 be received.

**CARRIED
RECORD OF VOTE: 11 - 0**

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

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

11 MARCH, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS CEO DCEO	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and marked points of interest for future tourist mapping. Executive to allocate resources to develop themes and seek funding Returned as requested by Cr Lang Coppin to be put back onto the action list	Pending
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	DTDS	Returned as requested by Cr Shane Carter to be put back onto the action list.	In Progress
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, CEO to follow up	MDS-P	Meeting with Dept. of Lands seeking information. MDS-P to contact Land Owner	April 2016
11 December 2015	9.3.2	CONTROLLED PARKING – RESIDENT CONCESSION CARDS	COOA	Documentation being prepared and rollout plan being developed. Some administrative issues have caused a delay to the rollout but are being worked through	April 2016
11 December 2015	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	MDS-P	List established. Will invite names from community to create a register. However unlikely to need new names until development picks up.	Complete
11 December 2015	12.6	FIRE BREAKS NEWMAN Cr Jay Ahmedi said he received correspondence from Mr S Smoor regarding concern over the town's fire breaks.	CRES	Spoke with Steve Smoor FRS Captain about issues. They mainly relate to firebreaks at the rear of the HIA after issues identified from a	Complete

		Mr Allen Cooper replied that the Manager Community Services will discuss the matter with Mr Smoor.		fire last year. CRES and Mr Smoor will meet and identify areas for follow-up compliance by Rangers.	
11 December 2015	12.8	CARAVAN & TRUCK PARKING NEWMAN Cr Jay Ahmedi commented on the space next to Boomerang Oval being a good place for trucks and travellers with caravans to park. Mr Rick Miller commented that this is an area currently under investigation.	DTDS	Dee Lane 15min signage installed & parking signs for caravans and trucks to be bought. Total town centre street signage to be reviewed.	Mar 2016
11 December 2015	12.10	FIRE BREAKS MARBLE BAR Cr Dean Hatwell asked about fire breaks around Marble Bar. DTDS to follow up	CRES	Don Sullivan (DFES DO) was in Marble Bar just after cyclone and travelling by helicopter his opinion of the breaks around the town were adequate. There is fuel reduction burning planned with MB FESU for multiple areas around MB mainly in the north and west after a maintenance grade and improvement of breaks in this area. This will be incorporated into the mapping layer on shire GIS system. Rangers will carry out inspections around September this year in preparation for the next fire season. 2016 Fire break Notice will be incorporated into a shire information booklet which will go out with rates notices in July/August	Complete
29 January 2016	13.1	MAIN ROADS WA – ROAD WORKS Cr Michael Kitchen asked if Shire could contact Main Roads as there is a lot of leftover blue metal on road works which is causing cracked window screens due to being flicked up by vehicles passing. DTDS to follow up with WA Main Roads.	DTDS	Further information required as to specific locations.	Mar 2016

29 January 2016	13.3	OLD HORIZON POWER SITE - MARBLE BAR Cr Dean Hatwell asked if the Shire can obtain the old Horizon site for an RV friendly zone. MDS-P to follow up	MDS-P	Site is unavailable at this stage. Horizon Power advise site is subject to remediation of contamination and is not currently surplus to requirements.	Complete
29 January 2016	13.4	VEGETATION DYING AROUND POST OFFICE NEWMAN – Cr Craig Hoyer asked why the vegetation is dying around the Post Office. DTDS to follow up	MTS-N	The reason is that the garden and reticulation is being damaged due to people sitting in there with trolleys etc and damaging the retic waiting to get picked up. Options being investigated/actioned: - Signage to keep out. - Reinforce and advise correct taxi zone for pickup - Change garden to a grassed area	Complete

9.3.2 APPLICATION TO KEEP MORE THAN TWO DOGS AT 16 NARDOO LOOP

File Ref: RNG-1-3-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Andrew Norris
Coordinator Ranger and Emergency Services
Location/Address: 16 Nardoo Loop
Newman 67563
Name of Applicant: Ms. Tina Wilson
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 16 Nardoo Loop, Newman.

BACKGROUND

Ms Tina Wilson, initially made application to keep three dogs at the aforementioned address on the 21 July 2015 (ICS15-25619).

Ms Wilson's initial application did not contain adequate information relating to the reason for her application to keep more than two dogs as it stated "Pets and security" with no other details or information. Correspondence was sent to her on the 22 July 2015 requesting that she provide further detail and explanation of her reasons for the application. It is apparent from a search of finance records that the application fee was not paid either on the first or if submitted the second application but both the Kelpie and the Mastiff cross were re-registered at this time, having been unregistered since the 1 November 2014.

No response to the requested information was received from the applicant after this time and no further contact was made.

As a result of the Husky cross being found wandering by Police on 10 January 2016, contract Ranger Frank Lawrence found that the Husky was still on the premises and was not registered. He made contact with the owner and advised that Ms Wilson should submit a new application relating to the keeping of three dogs. Ms. Wilson made a new (third) application on the 14 January 2016 and paid the application fee.

On February 2016 the Husky was impounded for 'being found in a place without consent' the dog had obviously escaped and wandered to the property on Armstrong Drive where it was seized from. There is also anecdotal evidence that the dog or dogs had been returned to the owner prior to the 10 January 2016.

The details of the dogs are as follows:

DOG (breed)	SEX	COLOUR	REGISTRATION NUMBER	STERILISED Y/N
1. Red Kelpie	Male	Tan & Dark Brown	G7113, Exp 2017	Yes

2. Mastiff cross	Female	Black & Tan	L0330, Lifetime	Yes
3. Husky Cross	Male	Dark Sable with white undercoat	Not Registered	Not Known

COMMENTS/OPTIONS/DISCUSSIONS

Ranger Lawrence inspected the property at 16 Nardoo Loop, Newman on 12 January 2016 after a new application was submitted. He found "All fencing appeared to be suitable for homing dogs in the application but felt the yard is not large enough for three dogs to get much exercise in the back area" and the dogs "should be exercised".

An excerpt from Mr Lawrence' report follows:

"After carrying out enquiries in reference to this application, I feel that this should not be granted on the following evidence."

- 1. The first application had reasons for a third dog was for having a pet and security. No other reasons.*
- 2. There are already two dogs there, which are kept as pets and for Security.*
- 3. On the second application given more details it shows where Tigger is an older dog and has cancer. The photo shows the dog to be in good health and condition. Records at the Newman Veterinary Clinic only show that Tigger has been seen by the Vet for eating fibreglass. There is no other evidence of any other complaints the dog may suffer and has had no treatment for any other illness.*
- 4. When speaking to Tina Wilson about her first application having the dog as a pet and security that she may not get support from Council she advised that if, we did not approve the application she would send one of the dogs to her mother in Perth.*
- 5. Although if approved there are conditions to adhere to but whilst walking around the area giving out the survey forms the dogs barked continuously.*

"When the applicant first registered the two dogs she had already had this third dog on the premises and I believe she has had it for more than 12 months. She registered the two dogs that she originally owned in July 2015. She had owned these for quite some time as they had visited the Vets in her name back in 2011. I believe that one of our Rangers may have spoken to her re her dogs, but there's no records of these events on record. On the 22nd July she made application for the 3rd dog and Ranger Kyle created a ICS and forwarded the application back to her to add further reasons for the application. She did complete another application on the 30/7/2015 which is the copy she gave to me to submit. She stated that she had submitted this copy to the office, but again there is no record."

Only one of the adjacent properties is tenanted and the applicant premises backs onto vacant land. Public notice was placed on notice boards in the town centre and the adjacent neighbour was contacted and provided documentation to allow them to make a submission. No submissions either adverse or favourable have been received to date reflecting the lack of neighbours.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/170

MOVED: Cr Dean Hatwell

SECONDED: Cr Jay Ahmedi

THAT Council refuse the application on the following grounds:

- Owner has a history of dog(s) wandering
- There is alternative accommodation available as advised by the applicant.
- The unsuitability of the property for three large and active dogs

CARRIED
RECORD OF VOTE: 6 - 5

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

Cr Gerry Parsons & Cr Anita Grace requested to be recorded against the motion.

**9.3.3 CONSIDERATION OF PROPOSED LOCAL PLANNING POLICY NO.10 -
HOME-BASED BUSINESSES**

File Ref: PLN-2-7

Attachments: [Proposed Local Planning Policy 10 Home Based Business](#)
[Current Policy 9 11 Home Occupations](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider advertising for public comment proposed Local Planning Policy No.10 *Home-Based Businesses*.

BACKGROUND

Council's current policy relating to home-based businesses was adopted in 2003. Whilst the policy has operated reasonably effectively, it requires updating to reflect the current regulatory environment.

COMMENTS/OPTIONS/DISCUSSIONS

Limitations of 2003 Policy

The 2003 Policy was prepared prior to Council's Town Planning Scheme No.4 (the Scheme) coming into operation in 2005. Consequently, the 2003 Policy unnecessarily duplicates a number of controls that are now included the Scheme. The effectiveness of the 2003 Policy is also limited by in effect only applying to the use 'home occupation', whereas the Scheme allows for both 'home occupation' and 'home business'.

The 2003 Policy was made under the policy making provisions of the *Local Government Act 1995*. However, since gazettal of the Scheme in 2005, Council has had the ability to make Local Planning Policies in respect to any matter related to the planning and development of the Shire.

The proposed Policy that has been prepared has addressed the above limitations, as well as stream lined the planning processes surrounding initial application and renewal of home-based businesses.

Underlying Principles Relating to Home-Based Business

In preparing the proposed Policy, officers have reflected the long-established principle that the operation of home-based businesses forms an important part of the Shire's local economy. The other key principle that has been reflected by the proposed Policy is the preservation of residential amenity (for both the property in question and neighbouring properties), over and above the economic benefit the home-based business may provide.

Objectives of Proposed Home-Based Business Policy

The objectives of the proposed Policy are to:

- i. Support home-based business within the Shire;
- ii. Ensure home-based businesses are able to operate within the Shire in a manner that balances the economic and social benefits against ensuring residential amenity is protected; and
- iii. Streamline planning processes in a manner that promotes the establishment and continued operation of home-based businesses where there is no impact on residential amenity.

Significant Departures from 2003 Policy

Whilst the policy objectives and intent remain similar, there have been several significant departures from the 2003 Policy to reflect the current regulatory framework and to respond to recent experience. These differences are outlined below:

- Removal of provisions that are duplicated in the Scheme. Given the Scheme prevails over the Policy, there is no need to duplicate Scheme provisions, such as limitations on floor area and signage;
- Removal of the need to advertise for comment home occupation applications. The use 'home occupation' is permitted in the residential zone (i.e. it is not subject to discretion). Where a home occupation complies with the Scheme and Policy requirements, it must be approved. Instead of asking for comment from neighbours, the proposed Policy will provide for neighbours to be informed that a home occupation has been approved and given a copy of the conditions relating to its operation;
- Outlining of advertising requirements for home business requirements in order to meet Scheme requirements;
- Inclusion of a process for handling complaints;
- Inclusion of an annual renewal process;
- Removal of the blanket ban that is found in the 2003 Policy that prevents home-based businesses being approved that handle meats, vegetables or fruit. Instead, the proposed Policy links to the registration process contained in the *Food Act 2008*. It is considered more appropriate that any control on food-handling is dealt with under health legislation rather than under planning; and
- Inclusion of prescribed forms for applications, renewals and certification.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Planning Policy Process

The parameters of a local planning policy and the process for making it is outlined in Part 2 Division 2 of the *Deemed Provisions for Local Planning Schemes* (the Deemed Provisions), made under section 257B of the *Planning and Development Act 2005*.

Clause 3 of the Deemed Provisions requires a local planning policy to be based on sound town planning principles. A policy may relate to either strategic or operational matters. Once made, a local planning policy must be given due regard by the local government when determining applications to which the policy relates.

Clause 4 of the Deemed Provisions outlines the process for making a local planning policy. The process is as follows:

- A local government resolves to prepare the local planning policy (this is the purpose of this report);
- The proposed policy is advertised for public comment by publication of a notice in a newspaper circulating in the Scheme area. The notice is to include details of the subject and nature of the proposed policy, the policy objectives and where it can be viewed;
- A submission period is required of at least 21 days commencing from the date of publication of the newspaper notice;
- Once the submission period ends, the local government reviews the proposed policy in the light of the submissions made and resolves to proceed with the policy with or without modification, or to not proceed with the policy;
- If the local government resolves to proceed with the policy, it has effect from the date of publication in a newspaper of a notice informing of the adoption of the policy.

The preparation and adoption of a local planning policy requires it to be considered by Council twice – once to allow public consultation and secondly to consider submissions and adopt the policy.

POLICY IMPLICATIONS

In the event that Council resolves to proceed with the proposed Policy and it is made effective under clause 4(4) of the Deemed Provisions, the 2003 Policy will be revoked automatically due to the inclusion of a revocation clause.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

- 3.4.2 Plan well for the future development of the Shire
Responsible officer: CEO
Timing: 1-5 years

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

3.1 Business diversification and promotion

3.1.2 Build a thriving and diverse economy

Responsible officer: DCEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/171

MOVED: Cr Lang Coppin

SECONDED: Cr Anita Grace

THAT Council in accordance with clause 4 of the *Deemed Provisions for Local Planning Schemes*, prepare proposed Local Planning Policy No.10 *Home-Based Business* as attached and authorises the Chief Executive Officer to advertise the proposed Policy as required by clauses 4(1) and 4(2) of the Deemed Provisions.

CARRIED

RECORD OF VOTE: 11 - 0

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

**9.3.4 CONSIDERATION OF DRAFT LOCAL PLANNING POLICY NO.11 -
ADVERTISING SIGNAGE**

File Ref: PLN-2-7

Attachments: [Proposed Local Planning Policy No 11 Advertising Signage](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

12:36 AM Meeting adjourned for lunch.

1:33 PM Meeting resumed, All Councillors and staff returned to Chambers.

REPORT PURPOSE

To consider advertising for public comment proposed Local Planning Policy No.11 *Advertising Signage*.

BACKGROUND

Shire of East Pilbara Local Law (Signs, Hoardings and Bill Posting) was repealed on 22 March 2013 as part of Shire of East Pilbara Repeal Local Law 2013. Since this time, the control of advertising signage has been undertaken using the advertisements provisions of Council's Town Planning Scheme No.4 (the Scheme).

Whilst the Scheme provides the administrative arrangements for the control of signage, there is little detail on the placement and size limitations of signage, as this level of detail was previously contained in the Local Law.

The creation of Local Planning Policy will provide guidance in assessing applications for signage made under the Scheme. Council's current Directional Signage in Road Verges Policy will be unaffected.

COMMENTS/OPTIONS/DISCUSSIONS

Why Create a Local Planning Policy for Signage

Whilst the Scheme provides a list of signs that are exempt from the need for development approval, it does not provide guidance on the parameters for signage that requires approval, such as maximum size, height, number and location. The lack of written controls for the different sign types that require approval does not provide for consistent decision-making. Also missing is clarity for advertisers on what the Shire is prepared to approve. Whilst the current situation provides a great deal of flexibility, feedback from advertisers is that having a written set of requirements is helpful when determining their signage requirements.

A matter that is silent in the Scheme is the third-party display of signage on Shire-controlled land, such as road verges and reserves. A common request to the Shire is the display of signage on footpaths or at road intersections to draw interest to a business. The proposed Policy provides a set of principles for when and where signage will be permitted on Shire-controlled land. The provisions have been written to complement the requirements of Council's Public Places and Local Government Property Local Law 2011. This Local Law requires signage on Shire-controlled land to be approved through a written instrument. It is proposed that this 'written instrument' will be the development approval process contained in the Scheme and using the proposed Advertising Signage Policy as a guide.

The proposed Policy seeks to provide for consistent decision-making. It will provide a level of detail that provides certainty to advertisers and takes away the potential for inconsistency in application of the Shire's advertising control powers.

Underlying Principles Relating to Advertising Signage

The proposed Policy has been prepared to reflect Council's long established principle of limiting advertising signage to protect visual amenity, particularly on public land. The proposed Policy does not seek to control colours and materials and remains open to modification, particularly in order to cater for corporate or franchise signage requirements. The overall intent is to provide a light- rather than heavy-handed approach to signage control.

Objectives of Proposed Advertising Signage Policy

The objectives of the proposed Policy are to:

- i. Provide a consistent approach to signage within the Shire of East Pilbara.
- ii. Ensure the type and size of signs is appropriate for the location.
- iii. Manage the proliferation of advertisements.
- iv. Ensure advertisements do not adversely impact on traffic circulation and management, or pedestrian safety.
- v. Ensure advertisements are generally erected on land where the advertised business or sale of goods or service is being carried out.
- vi. Ensure signs are constructed and maintained to the essential standards of public safety.

Proposed Dissemination of Policy Requirements to the Public

In the event that Council adopts the proposed Policy, it is recommended that Shire staff prepare a number of information brochures on the content of the Policy rather than simply circulate the Policy. This approach is favoured given the complexity of the proposed Policy. Rather than require advertisers to review the entire Policy, it is envisaged that a number of information brochures will be developed on common topics such as, but not limited to:

- Approval process and list of exempted signs;
- Displaying a sign on Shire-controlled land;
- Display of portable signs; and
- Temporary and event signage requirements (to accompany the Shire's events package).

These brochures would be available in hard copy at the Shire's Newman and Marble Bar offices as well as online. The brochures would be written in plain English and

adopt a 'frequently asked question' format similar to recently-prepared planning information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Planning Policy Process

The parameters of a local planning policy and the process for making it is outlined in Part 2 Division 2 of the *Deemed Provisions for Local Planning Schemes* (the Deemed Provisions), made under section 257B of the *Planning and Development Act 2005*.

Clause 3 of the Deemed Provisions requires a local planning policy to be based on sound town planning principles. A policy may relate to either strategic or operational matters. Once made, a local planning policy must be given due regard by the local government when determining applications to which the policy relates.

Clause 4 of the Deemed Provisions outlines the process for making a local planning policy. The process is as follows:

- A local government resolves to prepare the local planning policy (this is the purpose of this report);
- The proposed policy is advertised for public comment by publication of a notice in a newspaper circulating in the Scheme area. The notice is to include details of the subject and nature of the proposed policy, the policy objectives and where it can be viewed;
- A submission period is required of at least 21 days commencing from the date of publication of the newspaper notice;
- Once the submission period ends, the local government reviews the proposed policy in the light of the submissions made and resolves to proceed with the policy with or without modification, or to not proceed with the policy;
- If the local government resolves to proceed with the policy, it has effect from the date of publication in a newspaper of a notice informing of the adoption of the policy.

The preparation and adoption of a local planning policy requires it to be considered by Council twice – once to allow public consultation and secondly to consider submissions and adopt the policy.

POLICY IMPLICATIONS

The proposed Policy is designed to complement rather than duplicate current Council Policy 10.11 *Road Verge Direction Signs*. All directional signage attached to road signs, known as 'finger boards' will continue to be controlled by Policy 10.11. Any non-standard directional sign that includes a corporate logo or image will be considered advertising signage and controlled by the proposed Policy (notwithstanding it may be 'directional' in nature).

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

- 3.1.1 Provide support for established and emerging business bodies and local businesses
Responsible officer: DCEO
Timing: 1-5 years
- 3.1.2 Build a thriving and diverse economy
Responsible officer: DCEO
Timing: 1-5 years
- 3.1.3 Encourage tourism
Responsible officer: DCEO
Timing: 1-5 years

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

- 3.4 Land use and development control
- 3.4.2 Plan well for the future development of the Shire
Responsible officer: CEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/172

MOVED: Cr Jay Ahmedi

SECONDED: Cr Gerry Parsons

THAT Council in accordance with clause 4 of the *Deemed Provisions for Local Planning Schemes*, prepare proposed Local Planning Policy No.11 *Advertising Signage* as attached and authorises the Chief Executive Officer to advertise the proposed Policy as required by clauses 4(1) and 4(2) of the Deemed Provisions.

**CARRIED
RECORD OF VOTE: 11 - 0**

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

9.3.5 FLUORIDATION OF DRINKING WATER IN NEWMAN

File Ref: FAC-14-4

Attachments: [Letter from Fluoride Free WA](#)
[Letter OCR15-27515](#)
[Blinkhorn NSW primary childrens dental health](#)
[WA Cancer Council Fluoride and cancer myth](#)
[EHD Media Statement Fluoridation Newman Kununurra](#)
[CSIRO Howat Water Fluoridation Editorial 2015](#)
[NSW Fluoridation Questions & Answers](#)
[NHMRC Fluoride Flyer](#)
[WA DOH Fluoride Position Statement 29 July 2014](#)
[US Surgeon General Murthy Fluoridation 27 April 2015](#)
[Harvard Deans on Fluoridation 22 March 2013](#)

Responsible Officer: Mr Allen Cooper
Chief Executive Officer

Author: Mr Edmore Masaka
Manager Development Services - Health

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

1:44 PM Cr Anita Grace left Chambers.

REPORT PURPOSE

To consider correspondence from Fluoride Free WA, urging Council to take action to prevent fluoridation of the public water supply.

BACKGROUND

Recently the Minister for Health, Dr Kim Hames, advised that fluoride is to be introduced into the drinking water of Newman sometime in 2017 (copy attached). Subsequent to that correspondence has been received from Fluoride Free WA (also attached).

Fluoride has been found to have beneficial effects on teeth at low concentrations in drinking-water where it has been demonstrated for years that it reduces the prevalence of dental caries. Excessive exposure due to naturally occurring high levels of fluoride in drinking waters in different areas of the world such as East Africa Rift Valley (45milligrams per litre (mg/l)), Sri Lanka (10mg/l), India (48mg/l) have been found to have adverse effects such as fluorosis. According to the World Health Organisation, fluoride is found in all natural waters at varying concentrations, with ground waters having low or high concentrations of less than 0.5milligrams per litre of water depending on the nature of the rocks and the occurrence of fluoride-bearing minerals. The World Health Organisation set a maximum health related guideline exposure value of 1.5mg/l for fluoride in drinking water. This is the same guideline value stipulated by the Australian Drinking Water Guidelines and adhered to by all drinking water authorities in Australia.

The decision to remove excess fluorides or add fluorides to drinking water is therefore made based on several factors chief amongst them being the baseline levels of naturally occurring fluorides in the drinking water supply.

The naturally occurring fluoride level in the Newman ground water supply has been around 0.2 milligrams per litre (mg/L). When fluoridated, the recommended range will be 0.6 – 0.8 mg/L, with an optimal level of 0.7 mg/L, well below the stipulated guideline value of 1.5mg/l under which significant dental health benefits have been demonstrated.

- Fluoridation of community water supplies is an effective way to deliver fluoride to all members of the community, regardless of age, individual motivation, socioeconomic status or the availability of dental care. It forms part of a suite of caries prevention initiatives that also relate to healthy diet, good oral hygiene, appropriate use of fluoridated toothpaste and regular dental check-ups. It benefits all sectors of the community, regardless of age, individual motivation, socioeconomic status or the availability of dental care.
- Fluoridation of drinking water is supported by an extensive range of authoritative health research agencies and government bodies in Australia and worldwide, including all State and Territory Government health agencies in Australia, the National Health and Medical Research Council (Australia) (NHMRC), the Australian Research Centre for Population Oral Health, the Australian Dental Association, the Australian Medical Association, the Centres for Disease Control and Prevention (USA), the World Health Organization and numerous others. A more detailed list is as follows:
 - all State and Territory Government health agencies in Australia
 - the National Health and Medical Research Council (Australia) (NHMRC)
 - the Australian Research Centre for Population Oral Health (ARCPOH)
 - the Australian Dental Association
 - the World Health Organization (WHO)
 - the International Association for Dental Research
 - Centers for Disease Control and Prevention (USA)
 - Australian Medical Association
 - Australian and New Zealand Society for Paediatric Dentistry
 - the Australasian Academy of Paediatric Dentistry
 - the Australian Academy of Science
 - Australian Centre for Human Health Risk Assessment
 - Public Health Association of Australia
 - Osteoporosis Australia
 - Arthritis Australia
 - Diabetes Australia
 - Alzheimer's Australia
 - Cancer Council Victoria
 - Asthma Foundation of Victoria
 - Royal Children's Hospital Department of Dentistry (Melbourne)
 - the Dental School at The University of Melbourne
 - La Trobe University School of Dentistry and Oral Health

- Deakin University Faculty of Health, Medicine, Nursing and Behavioural Sciences.
- More than 90 per cent of the Western Australian population, including the Perth metropolitan area and most regional areas, have had fluoridated community water supplies for over 40 years.
- In Western Australia (WA), fluoridation of drinking water is based on optimal fluoride levels recommended by the National Health and Medical Research Council (NHMRC), Australia's peak health research body, with maximum fluoride levels not exceeding 1 milligram per litre established in law. Drinking water fluoridated at optimal levels does not pose a health risk.
- The Minister for Health has directed that the public water supplies provided to the towns of Moora, Dongara, Port Denison and Hedland (including South Hedland) be fluoridated in 2016 and that the public water supplies provided to the towns of Newman and Kununurra be fluoridated in 2017.
- This was announced by the Department of Health (DOH) in June 2015 for Moora, Dongara, Port Denison and Hedland (including South Hedland), and in December 2015 for Newman and Kununurra.
- These communities are some of the few un-fluoridated pockets remaining in Western Australia (WA) and, once fluoridated, will join other major communities in the region, such as Geraldton, Broome, Derby, Karratha, Dampier and Roebourne, all of which have received the benefits of fluoridated water for many years.

The majority public water drinking supplies in Australia are fluoridated, as shown in the map below.

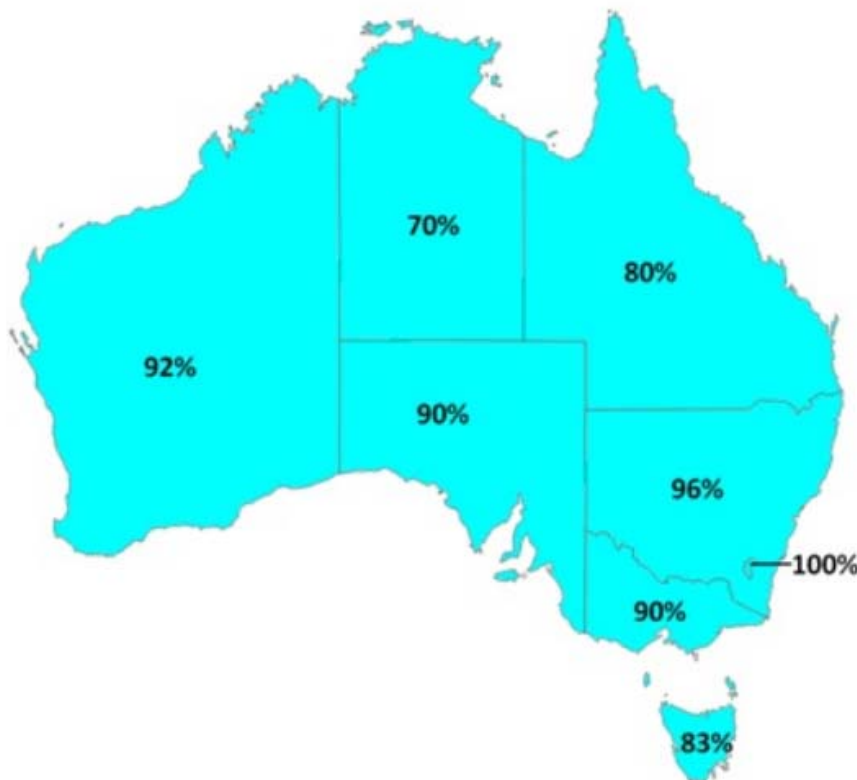


Figure 2: Percentages of the resident population served by public water supplies who are receiving fluoridated water, by jurisdiction, August 2013 (Percentages sourced from data published by jurisdictional health authorities during August 2013. These data were last updated in 2012 in some jurisdictions).

Page Updated: Monday 26 August 2013
Page Owner: Environmental Health

- The Department of Health confirms that claims that cast doubt on the safety or efficacy of fluoridation of drinking water, including claims of the nature of those set out in the letter from Fluoride Free WA, have been comprehensively examined, by the NHMRC in Australia and other bodies worldwide, and have consistently been found to be without foundation.
- No epidemiological data or peer reviewed scientific paper published in a recognised scientific journal has drawn a link between fluoridation of drinking water and adverse health effects, nor does any reputable medical, science or public health body anywhere in the world oppose community water fluoridation. Fluoridation of community water supplies is not “medication”, nor is fluoride in fluoridated water supplies a “drug”.
- There is no credible evidence that invalidates the safety or efficacy of community water fluoridation.
- Purity standards for chemicals added to drinking water are strictly controlled by the Department of Health and in particular that fluoridation chemicals added to drinking water in WA conform with all applicable Australian and WA safety and purity requirements

- Further information can be found in a review of the scientific research on water fluoridation published in 2007 by the NHMRC. This review is entitled “*A Systematic Review of the Efficacy and Safety of Fluoridation*” and states that “*Fluoridation of drinking water remains the most effective and socially equitable means of achieving community-wide exposure to the caries [decay] prevention effects of fluoride.*” It is available for download from: www.nhmrc.gov.au/publications/synopses/eh41syn.htm. Another review entitled “*Water fluoridation for the prevention of dental caries*” was published in 2015 by the Cochrane Oral Health Group in the United Kingdom. The main message of this “Cochrane review” is: “*Data suggest that the introduction of water fluoridation resulted in a 35% reduction in decayed, missing or filled baby teeth and a 26% reduction in decayed, missing or filled permanent teeth. It also increased the percentage of children with no decay by 15%.*” and that ... “*These results indicate that water fluoridation is effective at reducing levels of tooth decay in both children’s baby and permanent teeth.*”

COMMENTS/OPTIONS/DISCUSSIONS

Fluoride Free WA Inc. is a body that, on its web-site, publicly states that “*It is our intention to bring about the removal of fluoride from WA’s water supply through a combination of targeted campaigning and a raising of awareness of the situation amongst WA’s population*”. Fluoride Free WA has some 260 members, thus representing around one one-hundredth of one percent of the total WA population of 2.3 million. In the main their members appear to be based in either Perth or Carnarvon, hence it becomes a bit difficult to take their views as being representative of the Newman Community. It is noted that the correspondence simply expresses the views of Fluoride Free WA and sympathetic individuals.

In conclusion, the decision to extend fluoridation in Western Australia, including Newman was made in light of all recent evidence on the subject and notes that there is no sound recent research and reviews of existing evidence questioning the efficacy of this initiative.

The Department of Health acknowledges that it is important that people in communities should be provided with information so that they can understand the implications of fluoridation and have an opportunity to raise any concerns they may have. The Department of Health is preparing a detailed communication strategy for the community of Newman. This will involve working with the Shire of East Pilbara and local stakeholders over the coming months. A public information session will very likely be a key element of the strategy. Several public documents and scientific publications by reputable organisations and health authorities on fluoridation are attached to this report for reference.

Council has requested the Minister for Health to arrange public forums to discuss the introduction of fluoride with community members. A letter was received by Council on the 4th March 2016, by the Minister for Health was tabled at Council. (as attached).

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/173

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchen

THAT Council continue to encourage the Minister for Health to hold public forums to ensure information is disseminated to the community of Newman in regards to the introduction of fluoride into the town's water supply.

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

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

9.3.6 INITIATION OF ROAD CLOSURE ACTIONS - NULLAGINE AND NEWMAN WASTE WATER TREATMENT PLANT

File Ref: A300010 A400017

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Location/Address: Rear laneway abutting Lots 13-16 Cooke Street,
Nullagine and Portion of Great Northern
Highway abutting Reserve 45776 (Newman
Waste Water Treatment Plant)

Name of Applicant: Vinci and Son Pty Ltd (Nullagine)
Shire of East Pilbara (Newman)

Author Disclosure of Interest: Nil

11:47 PM Cr Anita Grace returned to the Chambers

REPORT PURPOSE

To consider initiating road closure actions for proposals in Nullagine and Newman.

BACKGROUND

Nullagine

The Shire has been requested by the owners of Lots 15 and 16 Cooke Street, 147 Walters Street and 148 and 235 Walker Street, Nullagine (Nullagine Hotel and General Store) to close the portion of laneway that abuts the abovementioned lots. If successful, the land would be amalgamated into the abutting lots.

The area of laneway proposed to be closed is shown below.

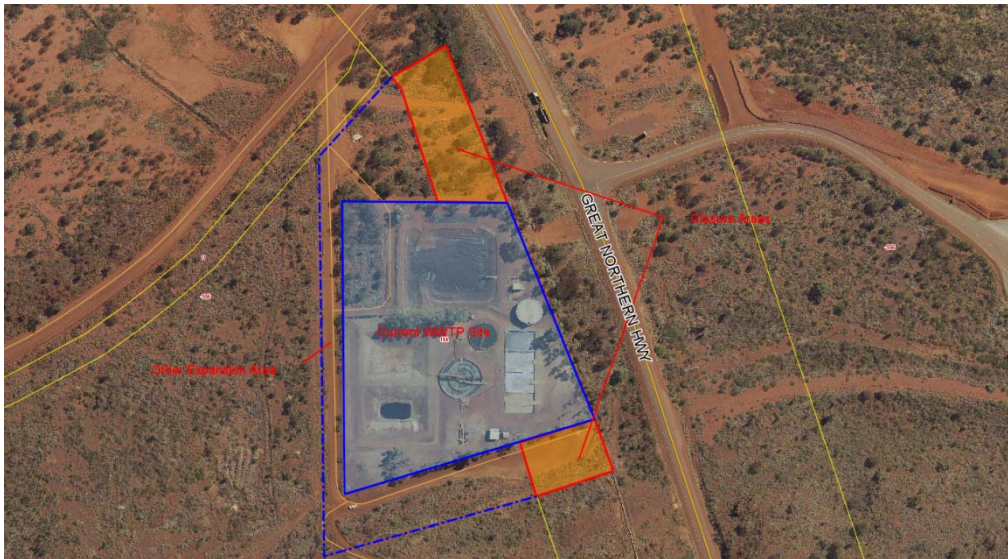


In order to allow the land to be purchased by the applicant, the laneway must be formally closed under section 58 of the Land Administration Act 1997 first. It is

important to note that whilst the thoroughfare is referred to as a 'laneway', it is legally a road reserve made under section 56 of the Land Administration Act.

Newman

The Shire is planning an expansion of the Newman Waste Water Treatment Plant (WWTP) to accommodate future growth of the town. In order to upgrade the facility, additional land from the abutting Great Northern Highway and Crown Lease area is required as shown below:



Main Roads WA has provided support for the expansion of the facility into the highway reserve. In order to facilitate this, a road closure under section 58 of the Land Administration Act 1997 is required.

COMMENTS/OPTIONS/DISCUSSIONS

Nullagine

Shire staff have confirmed that there are no services (i.e. power, water or telecommunications) within the laneway. The laneway does not appear to provide access to properties other than those owned by the applicant.

Newman

The proposed closure of a portion of the Great Northern Highway is necessary to allow expansion of the waste water treatment plant over time. No services will be affected by the closure. Main Roads have advised that closure of the portion will not affect operation of the highway.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 58 of the Land Administration Act requires the Shire to undertake the following tasks prior to closure taking place:

1. Resolve to initiate the road closure;
2. Advertise the intention to close the road for a period of 35 days, inviting comment from abutting and nearby landowners and service agencies. The consultation process will include a public notice published in the *North West*

Telegraph and writing to adjoining land owners (in the case of the Nullagine proposal only).

3. Consider any submissions made and resolve to formally request the Minister for Lands closes the road and amalgamates the land area into surrounding lots.

Once the Shire has forwarded the request to the Department of Lands, the process is finalised by the Department without further intervention from the Shire.

In order to proceed, it is necessary for all portions of the road reserve to be closed to have an abutting landowner that is willing to purchase the land and have it amalgamated into their lot or lots. In the case of the Newman proposal, this is readily achieved. For the Nullagine proposal, the applicant has indicated willingness for this to occur. However, there is a second land owner affected that is yet to be approached and may wish to claim a half of the width of the laneway along the rear of Lots 13 and 14 Cooke Street. Should this owner wish to purchase half of the laneway, this can still be accommodated whilst fulfilling the request of the initial applicant. Should Council resolve to initiate the closure action, this second owner will be approached to identify their willingness to purchase a portion of the laneway.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

In the event Council resolves to commence the road closure actions, costs associated with advertising will be borne by the applicant (Nullagine) and the Shire (Newman).

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/174

MOVED: Cr Shane Carter

SECONDED: Cr Michael Kitchen

THAT Council In accordance with section 58 of the Land Administration Act 1997 (as amended) advertises for landowner, public and service provider comment its intention to close the following road reserves:

- 1. Laneway abutting Lots 13-16 Cooke Street, 147 Walters Street and 148 and 235 Walker Street, Nullagine (Nullagine Hotel and General Store); and**
- 2. Portion of Great Northern Highway, Newman adjoining Reserve 45776 (Newman Waste Water Treatment Plant).**

CARRIED

RECORD OF VOTE: 11 - 0

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

9.3.7 PROPOSED CHANGE OF PURPOSE OF RESERVE 2804, NULLAGINE

File Ref: A302804
Attachments: [Reserve 2804 Location Plan](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Location/Address: Nullagine Common
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider consenting to the purpose of Reserve 2804, Nullagine being changed from 'Common' to 'Common, Landfill and Waste Station' in the same manner as resolved for the Marble Bar Common on 29 January 2016.

BACKGROUND

The Nullagine waste disposal site is located on a portion of the Nullagine Common approximately 2km along Marble Bar Road to the north of the Nullagine Townsite (see attached location plan).

Reserve 2804 was vested for the purpose of 'Common' in 1895 and currently comprises 19,607ha of land surrounding the Townsite. Over the years the reserve has been reduced in size by approximately 600ha as parcels of land have been excised and reserved for other purposes, such as airport and Aboriginal lands. However, the waste disposal site was never excised from the Common. Recent planning for waste transfer stations in Marble Bar and Nullagine has identified the tenure irregularity. In relation to the Marble Bar Common, the Department of Lands has advised the Shire that it does not consider "landfill site" as ancillary to the purpose of "Common". The Department requested Council consent to the purpose of the Marble Bar Common (Reserve 2906) being changed to "Common, Landfill and Waste Station" to better reflect the use to which the land is being put. It is now proposed to undertake the same process for the Nullagine Common given that the same situation exists.

COMMENTS/OPTIONS/DISCUSSIONS

Modification of the existing management order is considered the most expedient method of regularising the tenure of the waste disposal site. An alternative option is to excise the site from Reserve 2804 and vest it as a stand-alone reserve. The following table identifies the pros and cons of both options.

Modify Reserve 2804 purpose			
Pros:	<ul style="list-style-type: none">• Procedurally straight-forward.• Allows the waste disposal facility to be expanded over time without the need to modify boundaries (subject to environmental and licensing approvals).• Does not trigger Native Title.• No survey costs.	Cons:	<ul style="list-style-type: none">• Does not provide for power to lease if the Shire wishes to lease the facility out in the future.• Changes the purpose of Reserve 2804 for the first time in over 120 years.
Create stand-alone reserve			
Pros:	<ul style="list-style-type: none">• Provides a definitive boundary for the reserve.• Allows the remainder of Reserve 2804 to remain unaffected by a change in purpose.• Would allow for a power to lease to be placed over the new reserve to allow potential leasing of the facility in the future.	Cons:	<ul style="list-style-type: none">• Will include costly surveying to identify boundaries.• Any expansion of the facility in the future may require boundaries to be adjusted.• May trigger Native Title considerations.• Will take longer to achieve.• May require creation of a road reserve from Marble Bar Road to allow a new lot to be created, if the new lot is not provided with direct road frontage.

On balance, Shire staff believe that modifying the purpose of Reserve 2804 will achieve the objective of ensuring appropriate tenure of the waste disposal site without a significant cost or time factor. Given the nature of operation of the site, it is not considered likely that it would be leased to a third party, which would be the key benefit in separately reserving the site.

STATUTORY IMPLICATIONS/REQUIREMENTS

The process for modifying the Management Order for Reserve 2804 is governed by Part IV of the *Land Administration Act 1997*.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/175

MOVED: Cr Michael Kitchen

SECONDED: Cr Biddy Schill

THAT Council request the Department of Lands change the purpose of Reserve 2804, Nullagine, from 'Common' to 'Common, Landfill and Waste Station'.

CARRIED

RECORD OF VOTE: 11 - 0

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

**9.3.8 TENDER RFT 03-2015/2016 AIRPORT TOILET AND ADDITIONAL
DEPARTURES AREA**

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

REPORT PURPOSE

The purpose of this report is to consider the submission of tenders for the design, construction, installation and commissioning of a modular toilet block and additional departures floor space area to be incorporated into the current existing Newman Airport Terminal, and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

Unprecedented growth in traffic and passengers flows has exceeded airport capacity over the past few years. When the planning for the current terminal started, passenger numbers totaled 105,881 p.a. Since then, passenger numbers have peaked at 450,374 (FY 2012/13), and trended back down to 373,520 last financial year.

Although passenger numbers have dropped since the peak, current infrastructure is still under pressure with usage exceeding design parameters frequently.

Examples are:

- a single male (1 "seat") and single female toilet (1 "seat") inside the terminal servicing passengers (in addition to a set of toilets outside). As an example, the Manager Development Services Health has indicated that at least 5 WC's should be available within this area to female passengers alone;
- very constrained security check area with discreet searches being performed within the eating/ storage/ office/ kitchen area as no space is available for a separate search/ storage/ office/ kitchen;
- patrons frequently forming lines outside building in order to check in as there is a rush to get through security. Patrons often choose to move through security only at the last moment because of the lack of facilities in the departures lounge; and
- currently approx. 1,044m² weather protected (inside building) is carrying 480 departing pax per hour at its peak (3 aircraft on the apron), plus multiple 737-800

arrivals outside per hour. Departing passengers alone then use 2.1m² per person (Australian building regulation site a minimum of 2m² per person). Extended dwell times complicate matters with buses unloading patrons early morning regardless of flight times;

Due to the above it has been identified that the existing toilet and departures area require expansion.

Subsequently, in the short term additional modular toilet and additional departures area are required to facilitate the current need. Modular facilities represent value for money at this stage of the current terminal life span/ strategic asset replacement program.

The purpose of this Request for Tender (RFT) is to invite submissions to undertake the design, construction, installation and commissioning of a modular toilet block and additional departures area facilities. The extended facilities are to be incorporated into the current existing airport terminal.

Tentatively construction will be started during April and continue until late July 2016.

The request for tenders was advertised in the West Australian Newspaper on 23 January 2016 and uploaded to Tenderlink Portal and advertised on the Shire website to ensure maximum coverage.

Tenders closed at 2pm, Friday 19th of February 2016. At the closing of tenders two (2) tender submissions had been received as per the table and in no particular order.

Tenderer	ABN	Address
Murray River North Pty Ltd	26009265909	105 Kelvin Road, Maddington, WA, 6109
Linkforce Engineering	57123543699	668 Murray Street, West Perth, WA, 6005

The Tenders were assessed by the Evaluation Panel which included the Manager Development Airports, Airport Assets and Maintenance Coordinator, and the Manager Special Projects.

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

COMMENTS/OPTIONS/DISCUSSIONS

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

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

Additional departures area

The provision of minimum ablution facilities is a quantifiable obligation the Shire has. This project will ensure compliance.

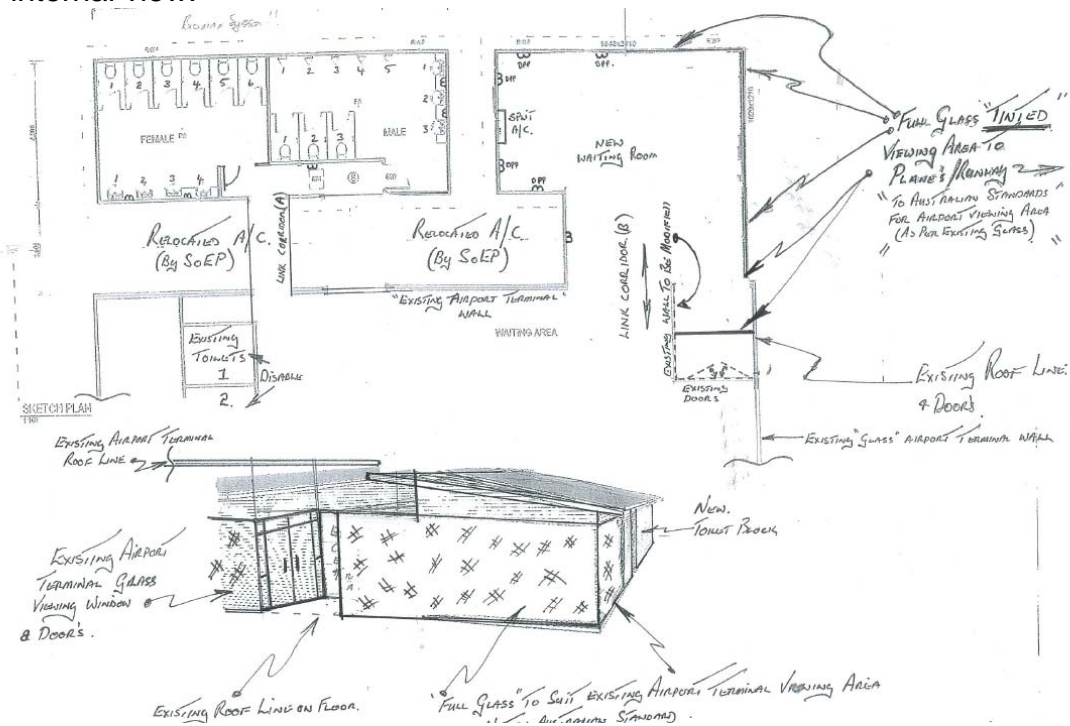
However, the additional departures area has an important role to play in the operational impact it will have on the airport. These are:

- Currently, the departures are very crowded during peak times. The additional floor area will allow for more individuals to position themselves comfortably;
- The Newman Airport Terminal suffers from large peak times. This is exacerbated by patrons not proceeding through security as they arrive. To a large degree this can be attributed to the fact that when seating is limited, ablutions are oversubscribed and limited opportunities are available to obtain a snack, patrons predictably choose to stay where they can obtain those things;
- The views so created by the full length glass front of the building (as planned) right on the edge of the apron will provide good views of arriving, departing and parked aircraft. This will entice travellers, and meeters & greeters move through screening early so as to locate themselves in that area ahead of time; and
- The space, considering the compulsory linger time of travellers until boarding could provide an excellent opportunity for local businesses to create/ expand retail opportunities. This will translate to income to the Shire. Currently terminal space is licensed at \$719.66 per m² (incl GST). At this rate, the area could provide an income of \$40,562.65 (excl GST) per annum to the Shire.

In addition, large savings can be made by constructing the expansion incorporating both uses (toilets and additional departures floor space), whilst minimising the period that construction will inconvenience.

As a high level guide, and subject to professional design and drafting, the following gives a conceptual overview of where the additions will fit into the current infrastructure.

An internal view:



An external view:



Budget 2015/ 2016

This tender will utilise the budget as per account 129431 (Buildings Public Structures). Currently this account is allocated a budget of \$400,000 for FY 2015/ 2016. As preparatory work will be done by the Shire in anticipation of the new extension (moving air conditioners as an example) an additional \$75,000 will be spent over and above the actual buildings. This necessitates that the budget on account 129431 must be increased to \$495,000. This amount is funded from account 129401 where non-essential works has been deferred in lieu of the terminal works that are a higher priority.

Value for Money Assessment

The qualitative scores received by each Tenderer:

Rank	Tenderer	Qualitative Score
1.	Murray River North	64%
2.	Linkforce Engineering	68%

Linkforce Engineering scored the highest overall. The price requested was also deemed to be the best value for money. They also scored the highest when price was disregarded from all respondents, showing that the offering was strong despite the fact that they propose a very competitive price.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$149,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

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

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

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

1. Managers
2. Coordinator Property Services

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

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

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

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

Light Vehicle Purchases

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

Consultants Services

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

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

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

Light Vehicle Disposals

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

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

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

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

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

Regulatory Compliance

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

1. An emergency situation as defined by the Local Government Act 1995;
2. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;

3. The purchase is under auction which has been authorised by Council;
4. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
5. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
6. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.
7. The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.
8. The goods or services are obtained through an Australian Disability Enterprise.

4.5 EXECUTION OF DOCUMENTS

Minute No: **Item 9.1.3**
Date: **27th June 2013**

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

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
- 1.3.2 Excellence in customer service
 Responsible officer: MFA
 Timing: 1-3 years

FINANCIAL IMPLICATIONS

This tender will utilise the budget as per account 129431 (Buildings Public Structures). Currently this account is allocated a budget of \$400,000 for FY 2015/2016. As preparatory work will be done by the Shire in anticipation of the new extension (moving air conditioners as an example) an additional \$75,000 will be spent over and above the actual buildings. This necessitates that the budget on account 129431 must be increased to \$495,000. This amount is funded from account 129401 where non-essential works has been deferred in lieu of the terminal works that are a higher priority.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/176

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council

- 1. Award Tender 03-2015/16 for the design, construction, installation and commissioning of a modular toilet block and additional departures floor space area to be incorporated into the current existing Newman Airport terminal to Linkforce Engineering at the tender price of \$419,017 ex GST.**
- 2. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Linkforce Engineering with respect to this Tender.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Salomon Kloppers, Manager Development Airports

**9.3.9 TENDER RFT 06-2015/2016 WEIGHBRIDGE & ASSOCIATED
INFRASTRUCTURE COUNCIL REPORT**

File Ref: LEG-13-41-4
Attachments: [Confidential](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Ian Hamilton
Manager Special Projects
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider the submission of tenders for the Design, Construction and Commissioning of one, Twenty metre Weighbridge located at the end of Yates Drive, Newman, and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

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

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

The request for tenders was advertised in the West Australian Newspaper on Saturday 30 January 2016 and uploaded to Tenderlink Portal and advertised on the Shire website to ensure maximum coverage.

Tenders closed at 3pm, Friday 19th of February 2016. At the closing of tenders four Company (4) tender submissions which related to nine (9) Options been received as per the table and in no particular order.

The Tenders were assessed by the Evaluation Panel which included the Director Technical and Development Services, Manager Special Projects and the Manager Technical Services-Newman

No	Tenderer	Steel / Concrete	ABN	Address
1	Rite Weight	Steel	76102258 524	7 Darnick Road Underwood QLD
2	National Weighting Option 1	Steel	22071682445	Unit 1, 88 Magowar Road Girraween NSW.
3	National Weighting Option 2	Steel	22071682445	Unit 1, 88 Magowar Road Girraween NSW.
4	Accu Weigh Option 1	Steel	70060173711	12 Kembla Way, Willetton. WA
5	Accu Weigh Option 2	Concrete	70060173711	12 Kembla Way, Willetton. WA
6	Accu Weigh Option 3	Steel	70060173711	12 Kembla Way, Willetton. WA
7	Accu Weigh Option 4	Concrete	70060173711	12 Kembla Way, Willetton. WA
8	Mettler Toledo Option 1	Concrete	65004141986	91 Holder Way, Malaga. WA
9	Mettler Toledo Option 2	Steel	65004141986	91 Holder Way, Malaga. WA

No	Tenderer	Steel / Concrete	% Weighting
1	Rite Weight	Steel	No-Conforming
2	National Weighting Option 1	Steel	70%
3	National Weighting Option 2	Steel	69.5%
4	Accu Weigh Option 1	Steel	63%
5	Accu Weigh Option 2	Concrete	62.1%
6	Accu Weigh Option 3	Steel	74.6%
7	Accu Weigh Option 4	Concrete	73.7%
8	Mettler Toledo Option 1	Concrete	74.6%
9	Mettler Toledo Option 2	Steel	74%

COMMENTS/OPTIONS/DISCUSSIONS

Information on Waste Services is requested annually from all WA Shires by the Waste Authority WA Strategic Policy Section of the Department of Environment Regulation and each response is mandatory.

The Shire East Pilbara currently completes a Waste Authority Census Document which is a legal document under the Environmental Protection Act 1986 and is required to be an accurate record.

It calls for determination of waste types generated with confirmed tonnage quantities of each waste type together with other related technical and financial data on waste pickups and disposal at landfill.

Presently the Shire uses industry waste conversion factors for calculating tonnages from estimated volumes of waste arriving at the tip gate.

Such estimates of volume are made by the landfill staff and are not considered to be best practice in determining the tonnes of waste generated.

Subsequently, there is an element of potential error in this method of estimation which may cast doubt on the accuracy of Shire East Pilbara reporting of these matters and gate fee returns.

In that regard Newman Landfill is also considered by Waste Authority as a medium sized Industrial Landfill and as such in the view of DER it is important that an accurate record of waste disposed be made.

The provision of a weighbridge at the Newman Landfill site will address that concern and also will be essential to efficient operation of the site materials recycling facility.

Under the Waste Authority's Strategic Plan for Country Landfills and Industrial landfills in particular there is target set for such sites of 40% reduction in waste to landfill to be achieved by 2020.

The Waste Authority requires that all Shires be fully compliant in the above reporting in order to access State Government Funding for Waste Management Projects.

Steel Vs Concrete Weighbridge

Concrete Weighbridges; are the majority of weighbridges found in Australia and are constructed using a steel frame with concrete infill. Subsequently, they offer the Longest Service Life and are available in any length or width to suit all vehicles and that concrete is usually available near the installation location so freight to site is minimised, being just the steel fabricated sections are freighted.

Concrete deck weighbridges can be supplied with specific surface treatments or standards such as galvanizing to Australian Standards. This in combination with the inherent strength of the concrete deck design ensures the longest possible service life for the weighbridge deck

Through this tender evaluation process it has been clearly demonstrated to the evaluation panel that a concrete weighbridge has significant benefits representing "Value for Money" for the Pilbara Region as follows;

- Longest possible service life.
- Heavier Structure Resists Severe Deck Movements
- Less Expansion with Heat
- More Confidence in the Structural Integrity
- Heavy traffic sites

Steel Weighbridges; are available from Australian companies as an option to concrete to compete against imported from steel weighbridges from various countries such as Italy, China etc. They are generally limited to specific section sizes and widths, light traffic sites in specifically controlled location/environment and usually transported in shipping containers to reduce cost. The steel deck design is very capable of being used in most applications.

Tentatively construction would start during April and continue until late May 2016.

Considering the detail and comments on each submission as contained in the confidential attachment it is recommended that the tender be awarded to and a contract be agreed on the terms of the tender with Mettler Toledo Option 1 "Concrete Weighbridge".

STATUTORY IMPLICATIONS/REQUIREMENTS

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

1.3.2 Excellence in customer service
Responsible officer: MFA
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary.

Account number 9-109017 budget \$380,000

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/177

MOVED: Cr Michael Kitchen

SECONDED: Cr Shane Carter

THAT Council

- 1. Award Tender 06-2015/16 for the Design, Construction and Commissioning of one, Twenty metre Weighbridge and associated Infrastructure located at the end of Yates Drive, Newman, to Mettler Toledo Option 1 "Concrete Weighbridge" at the tender price of \$230,000 ex GST.**
- 2. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Mettler Toledo Option 1 "Concrete Weighbridge" with respect to this Tender.**

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Mr Ian Hamilton, Manager Special Projects

**9.3.10 AIRPORT AVIATION FEES AND CHARGES – SCREENING FEES
RECOVERY**

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

REPORT PURPOSE

To seek Council's approval to amend airport Aviation Fees and Charges (AFC) for implementation from 1 July 2016.

BACKGROUND

The Shire of East Pilbara became the Screening Authority at Newman Airport during 2014. Council Resolution 201314/211 noted that screening fees must be budget neutral and that over or under collection must be recovered as applicable.

COMMENTS/OPTIONS/DISCUSSIONS

Current Screening Fees are charged in terms of Council Resolution 201516/262 at GST inclusive \$10.65 per passenger. This was based on a number of assumptions regarding factors such as passenger numbers and costs.

The airport recently reconciled the costs of providing screening with the amount recouped from passengers.

The airport also projected current cost estimates to the next financial year, and adjusted the anticipated passenger numbers to calculate an appropriate cost recovery fee that should be applicable into the future.

Because airlines generally need a 3 month notice period to work fees into ticket prices, an increase in the fee will not come into effect until 1 July 2016.

Passenger numbers are on track to fall approximately 9% to June 2016. If the rate of decrease in passenger numbers half during financial year 2016/ 2017, it would mean that the same cost base must be spread over 15% fewer passengers than at the beginning of this financial year. This puts upward pressure onto the amount of costs each passenger must carry.

If left unaltered a recoupment shortfall of around \$429,470 are projected to have accumulated by the end of financial year 2016/ 2017. This is made up of a:

- \$40,020.93 shortfall that must be recouped for FYE 2014/ 2015;
- \$178,549.71 under recoupment that is likely to result during the remainder of the current financial year;
- \$210,900.16 under recoupment that is likely to be realised during FY 2016/ 2017.

So far during this financial year 102,003 passengers have presented to be screened at Newman Airport. Including seasonal adjustment, this number is likely to be around 171,689 for the full financial Year (206,135 for FY 2014/ 2015). FY 2016/ 2017 will see a similar number of passengers present for screening.

Because of the cooling of passenger numbers, the screening fee will therefore have to be increased to ensure that the provision of screening services remain budget neutral. Passengers during FY2016/ 2017 will therefore have to be charged \$2.66 more than the current \$9.68 per screened passenger during this period.

Notice period

Resolution 201314/211 regarding Screening F&C also states that these F&C will be reviewed by the shire in February of each year for implementation from the start of a new FY. In order for airlines to incorporate any A-F&C changes into their ticketing price structures, they require a 90 day notification of such changes. If changes in Screening F&C are to be incorporated into ticket pricings, then it stands to reason that any other A-F&C changes should be done likewise.

11 March 2016	Council considers adopting an increase to the screening fee for FYE 2016/ 2017.
31 March 2016	FY 2016/17 amended screening fees to be distributed to airlines and published on website
April – June 2016	90-day window for airlines to adjust ticket pricing.

CONCLUSION

Function 12 – Transport FY2016-17			
Screening Fees	Excl. GST	Incl. GST	
Departing Passengers Over 2 years of age	\$12.34	\$13.57	All RPT Flights to be screened. All Non-RPT flights of MTOW>20,000 kgs to be screened

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 1 - Introductory matters 1.2. Commencement (pg 2)

POLICY IMPLICATIONS

3.4 BUDGET AMENDMENTS

Objective

To determine when and how a budget amendment can be made.

Policy

1. Budget amendments will generally occur only in line with the budget review.
2. Wherever budget versus actual cost savings become reasonably likely or definitely do occur, Council may then permit by an absolute majority resolution, that budget amendments occur. Such amendments will appear on the monthly statements as a separate item.
3. Before over-budget expenditure is incurred on the premise of likely or definite savings in other cost areas the officer concerned **MUST** approach to discuss the matter with the Chief Executive Officer. On no account can “windfalls” or budget savings be expected on any item without Council’s ratification. The Chief Executive Officer is to place the proposed budget amendment before Council prior to it being actioned.
4. Budget amendments will be dealt with by Council so as to protect the interests of kindred cost areas before any others e.g. if under the broad cost heading “libraries” savings result in building maintenance the remaining cost areas under this heading should be checked as to budget adequacy before removing funds from this area. Similarly this applies to Planning and Development, Building, Parks and Gardens etc.

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
- 1.1.2 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

The amendment is proposed to ensure sound financial management is maintained and that sufficient income is available to cover expected costs.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/178

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council

1. Amends the Newman Airport Aviation Screening Fees and Charges for implementation effective 01 July 2016 as set out in Table 1.

Function 12 – Transport FY2016-17			
Screening Fees	Excl. GST	Incl. GST	
Departing Passengers Over 2 years of age	\$12.34	\$13.57	All RPT Flights to be screened. All Non-RPT flights of MTOW>20,000 kgs to be screened

Table 1

2. Authorises the CEO to advertise the proposed fees pursuant to section 6.19 Local Government Act 1995.

CARRIED
RECORD OF VOTE: 11 - 0

To be actioned by Mr Salomon Kloppe, Manager Development Airports

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 AMENDMENT TO THE FEES AND CHARGES TO INCLUDE THE NEW
EAST PILBARA ARTS CENTRE TO BE ACCEPTED AS ITEM 11.1.1**

COUNCIL RESOLUTION: 201516/179

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

**THAT the Amendment to the Fees and Charges to include the New East Pilbara
Arts Centre to be accepted as item 11.1.1**

**CARRIED
RECORD OF VOTE: 11 - 0**

**11.1.1 AMENDMENT TO THE FEES AND CHARGES TO INCLUDE THE NEW
EAST PILBARA ARTS CENTRE**

File Ref: A703183
**Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer**
**Author: Ms Simmone Van Buerle
Manager Recreation & Events**
Proposed Meeting Date: 11 March 2016
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to amend the fees and charges to include hire charges for the new East Pilbara Arts Centre

BACKGROUND

The East Pilbara Arts Centre (EPAC) was certified as a Public Building on 1 February 2016, making it available for community use and hire. To enable community organisations and individuals to hire the facility, a fee for use must be set.

The hire charges for the Recreation Centre meeting room and gymnasium space were used as a benchmark to calculate fees for EPAC.

COMMENTS/OPTIONS/DISCUSSIONS

The following fees were calculated to be in line with other facility hire fees:

EPAC Meeting room (including kitchen and toilets) - \$35 per hour

EPAC Void Space (including toilets) = \$80 per hour or \$400 per day

STATUTORY IMPLICATIONS/REQUIREMENTS

6 Subdivision 2 — Fees and charges

7 6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

8 6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or

- (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

9 6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

10 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

2.1.3 *Encourage high rates of participation in community activities and events*

Responsible officer: MCW

Timing: 1 year

2.1.4 *Support individual and community health*

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/180

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council

- 1. Approve an amendment to the fees and charges to allow the EPAC meeting room to be hired at \$35 per hour, and the Void space to be hired at \$80 per hour (or \$400 per day);**
- 2. Impose the new fees effective from the 1st April 2016;**
- 3. Provide notice of the adopted fees as advertised, pursuant to Section 6.19 of the *Local Government Act 1995*.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

To be actioned by Ms Simmone Van Buerle, Manager Recreation & Events

11.2 ANNUAL PERFORMANCE REVIEW APPRAISAL – CHIEF EXECUTIVE OFFICER BE ACCEPTED AS ITEM 12.2.1

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/181

MOVED: Cr Shane Carter

SECONDED: Cr Craig Hoyer

THAT the Annual Performance Review of the Chief Executive Officer be accepted as item 11.2.1.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

11.2.1 ANNUAL PERFORMANCE REVIEW APPRAISAL - CHIEF EXECUTIVE OFFICER

File Ref:	ADM 1-1
Responsible Officer:	Mrs Lynne Craigie Shire President
Author:	Mr Allen Cooper Chief Executive Officer
Proposed Meeting Date:	11 March 2016
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Author Incumbent

REPORT PURPOSE

For Council to consider the outcome of the performance review of the Chief Executive Officer.

BACKGROUND

At the Ordinary Council Meeting held on 11th December 2015, item no: 9.1.2.

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.

COMMENTS/OPTIONS/DISCUSSIONS

The Local Government (Administration) Regulations require that the review be accepted with or without modifications.

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

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/182

MOVED: Cr Anita Grace

SECONDED: Cr Michael Kitchen

THAT the performance review of the Chief Executive Officer be accepted without modification.

**CARRIED
RECORD OF VOTE: 11 - 0**

To be actioned by Cr Lynne Craigie, Shire President.

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

12.1.1 EAST NEWMAN SUBDIVISION STAGE 1A PAVEMENT FAILURES

File Ref: PLN-8-3-1
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Rick Miller
Director Technical and Development Services

CLOSED TO THE PUBLIC

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

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.

2:28 PM *Cr Lang Coppin left Chambers.*

2:39 PM *Cr Lang Coppin returned to the Chambers*

PURPOSE

To seek Council endorsement to accept the settlement offer from Landcorp as full and final contribution to the Shire of East Pilbara to carry out pavement rectification works in East Newman Subdivision Stage 1A and authorise the Chief Executive Officer to sign the acceptance on behalf of the Shire of East Pilbara.

COUNCIL RESOLUTION: 201516/183

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchen

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

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/184

MOVED: Cr Michael Kitchen

SECONDED: Cr Jay Ahmed

THAT Council accept the settlement offer from Landcorp as full and final contribution to the Shire of East Pilbara to carry out pavement rectification works in East Newman Subdivision Stage 1A and authorise the Chief Executive Officer to sign the acceptance on behalf of the Shire of East Pilbara.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 11 - 0**

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

13 GENERAL BUSINESS

13.1 PARKING SIGNS FOR CARPARK NEXT TO POST OFFICE NEWMAN

Cr Jay Ahmedi asked if parking signs could be put up at the carpark next to the Post Office to indicate limited time parking.

Director Technical and Development Services to follow up.

13.2 WA MAIN ROADS

Cr Michael Kitchin to provide the location for his question he asked at the 29 January 2016 Council meeting as below so a letter can be sent to WA Main Roads.

13.1 MAIN ROADS WA – ROAD WORKS

Cr Michael Kitchin asked if Shire could contact Main Roads as there is alot of leftover blue metal on road works which is causing cracked window screens due to being flicked up by vehicles passing.

Director Technical and Development Services to follow up with WA Main Roads

13.3 CAT KENNEL & ARCHIVE ROOM UPDATE

Cr Gerry Parsons asked about the update regarding the location of the new cat kennel and archive room at the Newman Depot.

Director Technical and Development Service, Rick Miller, provided Council with an update on the locations of the new cat kennel and archive room.

13.4 SECURITY AIRPORT

Cr Gerry Parsons asked if Council can allocate space at Newman Airport for personnel being dropped off or picked up especially if disabled or due to medical reasons.

Director Technical and Development Services to follow up.

13.5 TOWN SQUARE NEWMAN

Cr Anita Grace asked if Council knew what businesses are going into the new shopping centre as she is concerned it might become a white elephant.

Mr Allen Cooper replied No the Shire did not as it is a private commercial development.

13.6 BARRAMUNDI AT THE OPHTHALMIA DAM

Cr Shane Carter asked if BHP Billiton or the Shire could put barramundi into the Fortescue River and the Ophthalmia Dam it would be lovely to do some fishing.

Mr Rick Miller, replied due to legal and health reasons it is not possible.

13.7 HORIZON POWER - MARBLE BAR POWER METERS

Cr Lang Coppin asked if a letter could be written to Horizon Power regarding more testing on the new reading meters as town people are up and arms over the huge increase on their power bills.

Cr Lynne Craigie explained the outcome of the meter reading machine, Horizon Power tested and the outcome was it had no problems.

Allen Cooper said the Shire will write a letter to Horizon Power regarding the complaints from the community, but also for the community to personally contact Horizon Power as well.

13.8 COUNCILLORS WESTERN DESERT TOUR

Cr John Jakobson asked when will he Councillors Western Desert Tour will be happening as at the same time the Councillors can have a look at the signs for the desert tourist trail.

CEO & Director Technical and Development Services to follow up.

13.9 NEWMAN TOWN CENTRE

Cr John Jakobson asked if there were any maps for where the signs will be erected around the Town Centre as many tourists are confused on eg: parking for caravans and entry.

Director Technical & Development Services to follow up.

13.10 RSL PARK MARBLE BAR

Cr Dean Hatwell asked about what was happening regarding the extending of the RSL Park, modification of increasing the area.

Deputy Chief Executive Officer to follow up.

14 DATE OF NEXT MEETING

29 April 2016, Newman

15 CLOSURE

3:21 PM