



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 12 DECEMBER, 2014.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin OAM
Cr Anita Grace
Cr Craig Hoyer
Cr Shane Carter
Cr Gerry Parsons
Cr Kevin Danks
Cr Dean Hatwell
Cr Bidy Schill

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Ms Sheryl Pobrica

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

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Cr Stephen Kiernan

Officer Apologies

2.3 LEAVE OF ABSENCE

Cr Doug Stead

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes October 24 2014 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 24 October 2014, be confirmed as a true and correct record of proceedings.

7.2 PILBARA REGIONAL COUNCIL MINUTES

[Minutes 6th October 2014 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 6th October 2014, be received.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION - OCTOBER 2014

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Chief Executive Officer for October 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
26 September 2014	9.1.5	EIGHT YEAR WARD AND REPRESENTATION REVIEW	CEO	Draft Document Received	April 2015

9.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File Ref: ADM-1-1
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: Responsible Officer is the incumbent

REPORT PURPOSE

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

BACKGROUND

It is a compliance requirement of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, that a review of the CEO's performance be undertaken each year.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration

Division 4 – Local government employees

5.38 Annual review of certain employee's performances

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

5.39 Contracts for CEO's and senior employees

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

(1a) *Despite subsection (1) –*

- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section –*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless –*
 - (a) *the expiry date is specified in the contract;*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *Any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection (2)(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*

Local Government (Administration) Regulations 1996

18D Local government to consider performance review on CEO

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

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

FINANCIAL IMPLICATIONS

Subject to contractual and statutory arrangements.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. Establish a review panel comprising the Shire President, Cr Lynne Craigie, and the Deputy Shire President, Cr Lang Coppin, to undertake the Annual Performance Review of the Chief Executive Officer.
2. The panel is to prepare a report to Council for the Council's consideration in accordance with the *Local Government Act 1995*.

9.1.3 COUNCILLORS WORKSHOPS 2015

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

REPORT PURPOSE

To set quarterly workshop dates for 2015.

BACKGROUND

At the workshop held on the 23rd October 2014, the Councillors present agreed to consider setting dates for quarterly workshops. Workshops provide Councillors with an opportunity to review discuss various items not listed on Council agendas but need significant time to discuss. Alternatively it could be a time for training or consideration/presentation on strategic direction.

The general consensus was set quarterly meetings would allow the dates to be pre-determined and locked in.

COMMENTS/OPTIONS/DISCUSSIONS

Workshops should be held prior to a Council meeting day for logistics purposes. Topics for discussion to be determined prior to workshop dates.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

FINANCIAL IMPLICATIONS

Covered within existing budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the following dates be set aside for workshops in 2015;

- **5th March 2015.**
- **23rd July 2015.**
- **22nd October 2015.**

9.1.4 WA LOCAL GOVERNMENT TRADE EXHIBITION AND CONVENTION 2015

File Ref: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2015.

BACKGROUND

WALGA has advised that the next WA Local Government Convention and Trade Exhibition will be staged at the Perth Convention and Exhibition Centre (PCEC) on Wednesday 5th August to Friday 7th August 2015.

The format of the 2015 Convention will be similar to 2014. The 2015 WALGA Annual General Meeting (AGM) starting at 1.30pm, Wednesday 5th August 2015, which the Shire of East Pilbara requires two voting delegates to attend.

The Local Government Convention and Trade Exhibition will commence Thursday 6th and Friday 7th August 2015.

The Annual Gala Dinner will take place on the evening of Friday 7th August 2015.

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

In 2014, ten (10) Councillors and the Chief Executive Officer attended the event. It is also a good opportunity for Councillors to attend training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
Lobbying and advocacy role

FINANCIAL IMPLICATIONS

The cost of attendance for the 2015 WA Local Government Convention and Workshop is budgeted for each year, for Councillors under account number GL# 41007 Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL# 41103 Conference and Seminar Expenses. These costs will be covered in the budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer to attend the WA Local Government Convention and Trade Exhibition 2015 on behalf of the Shire of East Pilbara; and**
- 2. The Shire President, Cr Lynne Craigie and Deputy Shire President, Cr Lang Coppin to be Council's voting delegates at the WALGA Annual General Meeting.**

9.1.5 2015 QUEEN'S BIRTHDAY HOLIDAY REQUESTS FOR ALTERNATIVE DATES

File Ref: CSV-14-7 – (ICR14-21946)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2015 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 28th September 2015.

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

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

Local governments interested in having an alternative date declared for the Queen's Birthday public holiday in 2015 should provide a written request which:

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

The written requests should be forwarded by 15 December 2014 to:

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

Alternatively, requests can be emailed to Ms Eftos at

Christina.eftos@commerce.wa.gov.au

COMMENTS/OPTIONS/DISCUSSIONS

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

The dates for the events in 2015 have been set as;

- Monday 6th July 2015 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 17th August 2015 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce, Labour Relations Division for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

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

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

POLICY IMPLICATIONS



6.7 Council Supported/Recognised Events of Community Interest

Responsible Directorate	Corporate Services
Responsible Officer	Manager Community Wellbeing
File Number	CSV 14

Objective

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

Policy

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

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

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

NEWMAN		
Lions Fortescue Festival	3 rd Sunday in August	Free use Capricorn Oval
Australia Day	26 th January	
Anzac Day	25 th January	
Newman Drain Games	Last Sunday in June	
Family Fun Day	1 st Weekend in September	AKA – first day of the season – Newman Aquatic Centre
Newman Film Festival	3 rd Saturday in September	
Bloody Slow Cup		
Kids Christmas Party	Last week in December	Newman Aquatic Centre
Christmas Lights Competition	Last week in December	
MARBLE BAR		
Marble Bar Race Day	1 st Saturday in July	Free use of Marble Bar Sports Complex
Marble Bar Fun Day	1 st Sunday in July	Free use of Marble Bar Sports Complex
Australia Day	26 th January	



Anzac Day	25 th January	
Marble Bar Survivor Games	Term 2	
Christmas Lights Competition	Last week in December	
Nullagine		
Australia Day	26 th January	
Anzac Day	25 th January	
Nullagine Survivor Games	Term 2	
Christmas Lights Competition	Last week in December	

References			
Related Procedures	Nil		
Date Adopted by Council	30 November 2007	Item No	11.1.4
Review/Amendment Date	15 April 2011	Item No	9.5.2
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.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Department of Commerce, Labour Relations Division be advised of the following alternative dates for the Queen’s Birthday holiday 2015.

- 1. Monday 6th July 2015 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 17th August 2015 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

**9.1.6 CAPE KERAUDREN - FEES AND CHARGES AND MANAGEMENT
OPTIONS**

File Ref: A139135
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To

1. Review Cape Keraudren fees and charges for the 2015 season.
2. Adopt other managements options considered appropriate.

BACKGROUND

Council held a workshop to discuss the operations of Cape Keraudren Recreation Area on Thursday the 23rd October, 2014. A number of points were discussed on the day the main focus being on the long term financial sustainability of the reserve in its current format due to the increasing gap between income and expenditure. The operating loss in the 2013/14 year was approximately \$160,000. There has also been considerable capital outlay into the Cape reserve over the last five years including a sealed entrance road.

Considerable time was spent discussing the visitor numbers and the fees and charges, also the general appearance after the visit to the Cape by Councillors and the Executive on the 26th September 2014.

Visitors numbers have varied over time and have been as low as 5,200 (2009/10) to a high of 11,200 (2012/13). The peak visitor period is between April and October.

Current fees and charges are:

<u>Description</u>	<u>Current Charge In-GST</u>
Vehicle Entry per vehicle Max 4 Adults	\$10.00
Per Additional Adult	\$2.00
Motorcycle Entry per motorcycle	\$5.00
Camping Fee per Adult per/night	\$7.50
Camping Fee Per Adult SOEP Resident per/night	\$5.00
Camping Fee Per Adult Concession Card Holder per/night	\$5.00
Camping Fee Per Child 6 – 15 Years Old per/night	\$2.00
Camping Fee Per Child under 6 years Old	Free

After reviewing the fees and charges the suggest fees and charges for the 2015 season commencing from the 1st February 2015 which will allow for advertising.

<u>Description</u>	<u>Current Charge In-GST</u>
Vehicle Entry per vehicle up to 7 Persons. ie – Prado 4WD	\$20.00
More than 7 persons	\$5.00 additional person
Vehicle towing anything Day Visitors only	Additional \$10.00
Motorcycle Entry per motorcycle	\$10.00 per motorcycle
Camping Fee - 18 Years and over	\$10.00 per adult per/night
Camping Fee SOEP Residents	\$7.50 per adult per/night
Camping Fee Concession Card Holder	\$7.50 per adult per/night
Camping Fee Per Child 6 – 18 Years old per/night	\$3.00 per child per/night
Camping Fee Per Child under 6 years Old	Free

COMMENTS/OPTIONS/DISCUSSIONS

Councillors also expressed a wish to allow dogs on a leash at all times back into the Cape for the 2015 season. Other items discussed included upgrade of signage, brochures and advertising, cash management.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

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.

3.1 Business diversification and promotion

3.1.2 Build a thriving and diverse economy

3.1.3 Encourage tourism

Financial Implications

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Approve the new Fees and Charges for 2015 Season for the Cape Keraudren Recreation Reserve.**
- 2. Provides notice of the adopted Fees and Charges as advertised, pursuant to Section 6.19 of the Local Government Act 1985.**
- 3. Impose the new fees effective from the 1st February 2015.**

THAT a trial be undertaken for the 2015 season on allowing dogs on leashes at all times in the Cape reserve and the immediate coastal areas.

THAT Council authorise the use of the Economic Development Consultant to undertake a review of the Cape Keraudren operation.

THAT Council seek the power to lease under the Management Order for Reserve 39135 Cape Keraudren Recreation Reserve.

**9.1.7 SOCIAL AND ECONOMIC BENEFITS OF UPGRADING THE
NEWMAN/MARBLE BAR ROAD**

File Ref:	TCH-12-4
Attachments:	Marble Bar Road Upgrade pdf
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the 'Submission to the West Australian Government on the social and economic benefits of upgrading the Newman/Marble Bar Road' paper.

BACKGROUND

For many years, the Shire of East Pilbara has been pushing for the upgrade and construction of a sealed road from Marble Bar to Newman (through Nullagine). The road is a key economic artery that services mining and pastoral industry and towns north of Newman, being Nullagine and Marble Bar, and also provides a connection to Port Hedland and towns further north. The road is not only used by locals and visitors to the area, but trucks and heavy haulage vehicles servicing the mining industry. For this reason, the road has become unsafe and is well overdue for an upgrade and construction of sealed sections.

An initial report was prepared by Neil Noelker in November 2012, with an update provided in September 2014. A copy of the updated report is **attached** for Council's reference.

COMMENTS/OPTIONS/DISCUSSIONS

This document has been developed as a submission, to be provided to politicians and the like, who are visiting the area. The purpose of this document is to outline the reasons why the road needs to be upgraded as a matter of urgency, and the benefits of doing so. It will also be used as a lobbying tool to urge the State Government to provide immediate funding for this project.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. **Endorse the ‘Submission to the West Australian State Government on the social and economic benefits of upgrading the Newman/Marble Bar Road’ paper.**
2. **Use this paper as a lobbying tool for upgrading the Newman/Marble Bar Road.**

**9.1.8 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: David Goodwin
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 Mr David Goodwin, Manager Recreation and Events. The term of the contract is for three years, expiring on 11 August 2017.

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

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr David Goodwin, Manager Recreation and Events for a term of three years, expiring on 11 August 2017.

**9.1.9 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
TECHNICAL SERVICES - NEWMAN**

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: Bhavesh Modi
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 Technical Services - Newman.

BACKGROUND

Council employed Mr Bhavesh Modi, Manager Technical Services - Newman. The term of the contract is for three years, expiring on 10 November 217.

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

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Bhavesh Modi, Manager Technical Services - Newman for a term of three years, expiring on 10 November 2017.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- OCTOBER 2014**

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for October 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
22 August 2014	13.10	CIVIC CENTRE – MARBLE BAR Cr Dean Hatwell said the power at the Civic Centre is tripping out constantly and requires looking at as there was an event which the people plugged in two toasters tripping out the power. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	2 Circuit installed	Completed
26 September 2014	13.8	AMENITIES AT RADIO HILL Cr Lynne Craigie asked if we can investigate further amenities at Radio Hill including a toilet, improved lighting and a water fountain.	DCEO MAP	Under Investigation	December 2014
24 October 2014	11.1.1	DRAFT REPORT – THE WAY FORWARD - IMPROVING YOUTH, FAMILY AND CHILDREN'S SERVICES IN NEWMAN	DCEO	Agenda December 2014	December 2014
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.	DCEO	Still being completed	March 2015
24 October 2014	13.2	MARBLE BAR POOL Cr Stephen Kiernan asked if the Marble Bar Pool could get some table, chairs and	MAP	Manager Assets & Procurement organising	December 2014

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

12 DECEMBER, 2014

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		shade in the grass area. Ms Sian Appleton replied yes a work order will be raised for the request.			
24 October 2014	13.4	CIVIC CENTRE MARBLE BAR Cr Stephen Kiernan asked when is the maintenance is due on the Marble Bar Civic Centre air conditioners as it is coming up to summer and the frequent usage of the hall at this time of the year if this can be checked. Mr Warren Barker, Coordinator Building Services to follow up.	CBS	Air-conditioning services in Civic Centre Marble Bar take place July, December and March. Confirmed for 17 th November 2014	Completed

**9.2.2 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDERS
FOR THE PERIOD TO 30 JANUARY 2015**

File Ref: LEG-13-4-2, LEG-13-4-3, LEG-13-4-8,
LEG-13-4-9, LEG-13-4-10

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Glenn Britton
Manager Assets and Procurement

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To request Council to delegate authority to the CEO to award tenders for the period up to the next Ordinary Council meeting to be held on the 30th January, 2015. This is to allow projects that have tight timelines related to grants and acquittals to be progressed to minimise the risk of losing grant funding and to deliver the works program.

BACKGROUND

Shire officers have reviewed the adopted budget and noted that several approved projects are linked to external funding and have certain timeframes for works to be completed and acquitted. With funding becoming more and more difficult to obtain, funding bodies are also tightening up on acquittal timelines and in some cases money allocated is being withdrawn, if projects run over the agreed time. To minimise the risk of this occurring with Shire projects, staff have selected several projects that are likely to be tendered and could be awarded before 30th January, 2015 to assist in meeting the delivery and acquittal deadlines.

COMMENTS/OPTIONS/DISCUSSIONS

It will be recommended that the CEO (or in the absence of the CEO, the Acting CEO) be delegated authority to award tenders for the following projects up to the nominated values:

Tender No	Description	Funding Provider	Expenditure Account	Budget Amount (ex GST)
RFT 08-2014/15	New SES Building	DFES/Municipal	59015	\$1,100,000
RFT 11-2014/15	Chlorination Plant, Pumps & Associated Equipment Servicing	Municipal Funds	111149, 111195 & 101106	\$671,800 per yr

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 4 – Local government employees) 5.42. Delegation of some powers and duties to CEO (pg 153)

- (1) A local government may delegate (absolute majority required) to the CEO the exercise of any of its powers or the discharge of any of its duties under-
 - (a) this act other than those referred to in section 5.43; or
- (2) A delegation under this section is to be in writing and may be general or otherwise provided in the instrument of delegation.

Part 5 - Administration (Division 4 – Local government employees) 5.43. Limits on delegations to CEO (pg 153)

A local government cannot delegate to a CEO any of the following powers or duties –
(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.

POLICY IMPLICATIONS

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 - \$99,999	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 \$100,000. If the purchase is in excess of \$100,000 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.

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to a maximum value of \$2,000:

1. Duty Officers – Newman Aquatic Centre
2. Team Leader – Works Crew (Newman)
3. Field Officer and client Services – Martumili
4. Technical Services Administration Officer
5. RPT Bus Driver
6. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
7. Asset and Procurement Officer

Light Vehicle Purchases

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

Consultants Services

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

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



Light Vehicle Disposals

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

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

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

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

Absolute.

OFFICER'S RECOMMENDATION

THAT Council delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 30th January, 2015 up to the value of the nominated amounts:

Tender No	Description	Funding Provider	Expenditure Account	Budget Amount (ex GST)
RFT 08-2014/15	New SES Building	DFES/Municipal	59015	\$1,100,000
RFT 11-2014/15	Chlorination Plant, Pumps & Associated Equipment Servicing	Municipal Funds	111149, 111195 & 101106	\$671,800 per yr

**9.2.3 AFFIXING COMMON SEAL TO CLGF FINANCIAL ASSISTANCE
AGREEMENT 2012/2013**

File Ref: FIN-4-3
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

REPORT PURPOSE

To advise Council that the Common Seal has been affixed under delegated authority to the CLGF Financial Assistance Agreement between the Department of Regional Development and the Shire of East Pilbara with respect to funding for the 2012/2013 CLGF projects for the amount of \$1,036,663.

BACKGROUND

At the Ordinary Council meeting held on the 22nd August, 2013 Council endorsed projects for completion under the 2012/13 CLGF funding. (Resolution 201415/30).

Following Council's resolution the Financial Assistance Agreement has now been drawn up and required signing and sealing.

COMMENTS/OPTIONS/DISCUSSIONS

The projects endorsed for completion under this funding are:

Project 1 – Newman Office Extensions – provision of additional staff offices and archive area by way of a transportable office pod, which will be made up of several offices in each pod and an archive area, this will rectify the current deficit of offices for staff and consultants to use, which will in turn increase service provision to the community. (Page 35 Forward Capital Works Plan 2012/2017)

Project 2 – Marble Bar Memorial – extension of the existing RSL memorial to include access and signage, the memorial is located on the popular RSL park in the centre of the town of Marble Bar. The community has a strong sense of pride with respect to their RSL memorial and their history of fallen soldiers. (Page 63 Forward Capital Works Plan 2012/2017)

Project 3 – Ethel Creek Toilet - Supply and installation of an accessible public toilet to this popular centrally located park in the town of Newman. The Shire's Newman Tomorrow document indicates under Town Vibrancy, item 4.1 – key action – Provision of additional public toilets and facilities. (Page 64 Forward Capital Works Plan 2012/2017)

Project 4 – Marble Bar & Nullagine Court Upgrade – resurfacing of the bitumen courts using synthetic sports coating system, the current surfaces of these courts have deteriorated and are no longer safe to use. The resurfacing of these courts will ensure that both of these communities have the provision of well-resourced recreational and leisure options, which meet the Shire's ProspectUS document - Goal - People of Vitality. (Page 58 Forward Capital Works Plan 2012/2017)

Project 5 – Marble Bar Depot Crib Room & Ablution Upgrade – replacement of the old kitchen/lunchroom and ablution blocks with a new compliant building. (Page 35 Forward Capital Works Plan 2012/2017)

The projects are all identified in the Shire's Forward Capital Works Plan 2012/2017 and have been budgeted for this year.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

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) _____

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

THAT Council note that the Common Seal has been affixed under delegated authority to the CLGF Financial Assistance Agreement between the Department of Regional Development and the Shire of East Pilbara with respect to funding for the 2012/2013 CLGF projects for the amount of \$1,036,663.

9.2.4 AFFIXING THE COMMON SEAL TO THE PIONEERS FOOTBALL AND SPORTING CLUB LEASE - PORTION OF LOT 995, RESERVE 38372 AT CAPRICORN OVAL SPORTING COMPLEX

Attachments:	Pioneers Lease Agreement Application 2014 docx
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Marisa Wolfenden Coordinator Property Services
Location/Address:	Lot 995 Thulluna Crescent, Newman WA 6753
Name of Applicant:	Pioneers Football and Sporting Club
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek approval to formalise a lease agreement between the Shire of East Pilbara and the Pioneers Football and Sporting Club Inc. for portion of Lot 995, (known a Capricorn Oval Complex), Reserve 38372.

BACKGROUND

The Pioneers Football and Sporting Club held a meeting on the 24th October 2014 and the committee elected to enter into a new lease agreement for the clubrooms at the Capricorn Oval Complex.

COMMENTS/OPTIONS/DISCUSSIONS

The current lease agreement between the Shire of East Pilbara and the Pioneers Football and Sporting Club is due to expire on the 31st December 2014.

The lease conditions for portion of Lot 995, known as Capricorn Oval Complex on Reserve 38372 will be as follows;

- Term of 10 years, commencing 1st January 2015 and expiring on 31st December 2024.
- Option Period – 10 years
- Maintenance is the full responsibility of the Lessee for the property and buildings;
- Peppercorn Lease
- Utilities – Lessee is responsible for all outgoing charges, including water, power, ESL etc.
- Insurance – Lessee is responsible for all insurances
- Annual Service Fee applies as per Council Fees and Charges
- Lease – No cost to Council for the preparation, documentation and registration of the lease agreement.
- Documentation – The Lessee is responsible to provide the Shire of East Pilbara current copies of their committee details, Certificate of Currency for Public Liability and Building Insurance during the term of the lease.

- Approval of the Minister for Lands is required under the Management Order, prior to the any Lease being entered into
- Disposal of Land, Section 3.58 of the Local Government Act 1995 in not required.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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 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.

2.1.2 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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve the lease between the Shire of East Pilbara and Pioneers Football and Sporting Club Inc. for portion of Lot 995 (known as Capricorn Oval Complex) Reserve 38372 with the following conditions;**
 - Term of 10 years, commencing 1st January 2015 and expiring on 31st December 2024.
 - Option Period – 10 years
 - Maintenance is the full responsibility of the Lessee for the property and buildings;
 - Peppercorn Lease
 - Utilities – Lessee is responsible for all outgoing charges, including water, power, ESL, services to site etc.
 - Insurance – Lessee is responsible for all insurances
 - Annual Service Fee applies as per Council Fees and Charges
 - Lease – No cost to Council for the preparation, documentation and registration of the lease agreement.
 - Documentation – The Lessee is responsible to provide the Shire of East Pilbara current copies of their committee details, Certificate of Currency for Public Liability and Building Insurance during the term of the lease.
 - Approval of the Minister for Lands is required under the Management Order, prior to the any Lease being entered into
- 2. Approve to affix the common seal to the lease agreement between the Shire of East Pilbara and the Pioneers Football and Sporting Club Inc. upon approval from the Minister of Lands.**

9.2.5 CHANGE IN METHOD OF VALUATION - ALTURA EXPLORATION PTY LTD AND ATLAS OPERATIONS PTY LTD (PREVIOUSLY ATLAS IRON LIMITED) - (MT WEBBER CAMP)

File Ref: A701950
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sarah Cooke
Finance Officer - Special Projects
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider making application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value for the portion of Mining Lease No. M45/1209 containing Mt Webber Camp.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The Policy will apply for a trial period of three years from 1 July 2012 to 30 June 2015. The Minister, of the time, encouraged local governments to consider the use of GRV for these mining interests to ensure that they are maximising their rating opportunities. However, Council should consider any proposal for change before it is presented to the Minister for a decision.

Mt Webber Camp is owned by Altura Exploration Pty Ltd and Atlas Operations Pty Ltd (previously Atlas Iron Limited) on a Mining Lease. The village provides accommodation for up to 192 people, and the approximate annual rate levy, provided by the Valuer General, on a gross rental valuation of \$1,195,168 would be \$39,059.29. The current rating status of A701950 is that a rate was levied on the basis of an unimproved valuation of \$153,916.00 at 17.6989c/\$ equalling \$27,241.44.

In comparison, examples of camps currently using this method of valuation: -

Assess. No.	Owner	Camp	Beds	GRV \$/Yr	Rate \$/Yr	\$/Bed/Yr
A700821	Rio Tinto	West Angelas	1,526	6,741,980	220,335	144
A700822	BHPB	Area C	1,281	5,180,864	169,316	132
A700823	Hamersley	Yandicoogina	1,054	6,280,040	205,238	194
A700824	BHPB	Yandi	930	4,208,360	137,533	147
A3005660	Chichester	Karntama	1,600	9,944,920	325,000	203

It should be noted that above valuations are very much dependent upon the extent of infrastructure at each camp.

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION:

THAT Council makes application to the Minister for Local Government to change the method of valuation on A701950 Altura Exploration Pty Ltd and Atlas Operations Pty Ltd from unimproved to gross rental and upon approval calculate an interim rating levy effective from the date of that approval.

9.2.6 CAPE KERAUDREN BOAT RAMP STUDY RECOMMENDATIONS

File Ref: A139135
Attachments: [Final Detailed Report Aug 14.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Warren Barker
Coordinator Building Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to accept the Boat Ramp study compiled by GHD in August, 2014 as attached and to endorse recommendation four of this study.

BACKGROUND

At the Council meeting held 27th September, 2013, Council resolved to endorse the affixing of the common seal to the Funding Agreement for the Department of Transport, Recreational Boating Facilities Scheme Round 18 (Resolution 201314/82) for the purpose of assisting the Shire to engage GHD to complete a report, site investigation and design of an upgrade to the boat ramp at Cape Keraudren.

The current boat ramp's condition is degraded and requires substantial repair/upgrade. The existing boat ramp requires boat trailers to be driven over coral flats to allow boats to be launched and retrieved during low tidal conditions.

Some photographs of the current boat ramp are below which highlight the conditions of the current boat ramp and access to the boat ramp.

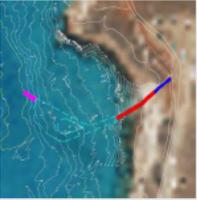
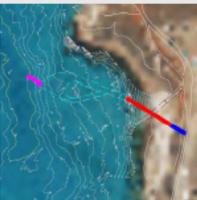


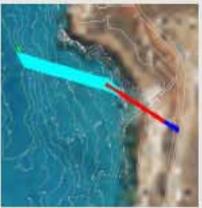
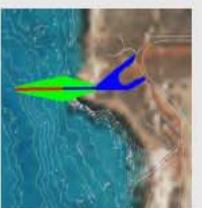
The detailed design report compiled by GHD is attached.

COMMENTS/OPTIONS/DISCUSSIONS

The boat ramp concept options for Cape Keraudren have been summarised overleaf:

Table 5 Concept Options

Option	Description	Advantages	Disadvantages	Risks
1. Existing Ramp Alignment plus Low Level Ramp 	<ul style="list-style-type: none"> Repair existing ramp or rebuild in same location (like for like) Use existing landside ramp access Ramp top at +6.1 mAHD, ramp toe at -0.75 mAHD (as currently is) Provide "drivable" surface with markers and kerbing to allow access onto the reef/rock at low tide Install a second fully submergible Low Level Ramp at the natural channel for low tide access 	<ul style="list-style-type: none"> Addresses existing ramp repair/maintenance requirements Increased operability at lower tide levels through Low Level Ramp Increase in safety for accessing the natural channel Limited landside earthworks No dredging required Lowest cost option Can be reduced to minimal cost option without Low Level Ramp access 	<ul style="list-style-type: none"> No full tide access (same for all options) The issues arising from rolling due to the current alignment are not addressed Slight increase in operability due to Low Level Ramp, however, low tide access constraints still remain for the time between when both ramps can't be used No increase in operability without Low Level Ramp Ongoing environmental impact by driving onto the reef/rock 	<ul style="list-style-type: none"> Managing safety in regards to providing car access to the reef/rock (no physical barriers feasible without navigational hazards) Legal responsibility and liability for the Shire by providing access to the reef/rock Not addressing all safety in design requirements. Cross surges will continue to cause risks for launching and retrieving vessels
2. Improved Ramp Alignment plus Low Level Ramp 	<ul style="list-style-type: none"> Reorientate ramp at an angle of approx. 300° and position close to the rocky headland at the north end of the bay Establish new landside ramp access Ramp top at +6.1 mAHD, ramp toe at -0.75 mAHD (as currently is) Remove existing ramp Provide "drivable" surface with markers and kerbing to allow access onto the reef/rock at low tide Install a second fully submergible Low Level Ramp at the natural channel for low tide access 	<ul style="list-style-type: none"> Addresses existing ramp repair/maintenance requirements New alignment assists in alleviating issues of cross surges during boat launching and retrieval Increased operability at lower tide levels through Low Level Ramp and more sheltered location near rocky headland Increase in safety for both launching/retrieving at higher tide levels (due to ramp reorientation) and accessing the natural channel (due to Low Level Ramp) Limited landside earthworks required (but more than Option 1) for new landside ramp access No dredging required 	<ul style="list-style-type: none"> No full tide access (same for all options) Slight increase in operability due to Low Level Ramp, however, low tide access constraints still remain for the time between when both ramps can't be used Higher cost compared to Option 1 expected due to new ramp location and additional earthworks for ramp access Ongoing environmental impact by driving onto the reef/rock 	<ul style="list-style-type: none"> Managing safety in regards to providing car access to the reef/rock (no physical barriers feasible without navigational hazards) Legal responsibility and liability for the Shire by providing access to the reef/rock Not addressing all safety in design requirements.
3. Existing Ramp Alignment with Extension and Access Channel 	<ul style="list-style-type: none"> Repair existing ramp or rebuild in same location and extend to lower toe level Ramp top at +6.1 mAHD, ramp toe at -2.0 mAHD (approx.) Excavated access channel to -2.0 mAHD (approx.) linking the exiting natural channel with the toe of the ramp Navigation beacon to be installed at the entrance of the excavated channel 	<ul style="list-style-type: none"> Addresses existing ramp repair/maintenance requirements Increased operability at lower tide levels through ramp extension Increase in safety for accessing the natural channel through excavated channel Limited landside earthworks required Full access between high tide and restricted low tide levels (compared to Options 1 and 2) Material from channel excavation may be reused in ramp construction (to be investigated) 	<ul style="list-style-type: none"> No full tide access (same for all options) The issues arising from rolling due to the current alignment are not addressed Potential impacts (considered minor) on flora and fauna during construction Requires installation of navigational aids for marine safety (additional cost) Material from channel excavation may require disposal management 	<ul style="list-style-type: none"> Cross surges will remain to cause risks to launching and retrieving vessels. Providing an excavated channel comes with obligation to provide safe navigation (manageable through installation of navigational aids) Unknown subsurface conditions which may affect the channel excavation

Option	Description	Advantages	Disadvantages	Risks
4. Improved Ramp Alignment plus access channel 	<ul style="list-style-type: none"> Reorientate ramp at an angle of approx. 300° and position close to the rocky headland at the north end of the bay with extended toe level Establish new landside ramp access Ramp top at +6.1 mAHD, ramp toe at -2.0 mAHD (approx.) Remove existing ramp Excavated access channel to -2.0 mAHD (approx.) linking the exiting natural channel with the toe of the ramp Navigation beacon to be installed at the entrance of the excavated channel 	<ul style="list-style-type: none"> Addresses existing ramp repair/maintenance requirements Increased operability at lower tide levels through extended ramp length and more sheltered location near rocky headland Increase in safety for accessing the natural channel through excavated channel Limited landside earthworks required (but more than Option 3) for new landside ramp access Full access between high tide and restricted low tide levels (compared to Options 1 and 2) Material from channel excavation may be reused in ramp construction (to be investigated) 	<ul style="list-style-type: none"> No full tide access (same for all options) Potential impacts (considered minor) on flora and fauna during construction Higher cost compared to Option 3 expected due to new ramp location and additional earthworks for ramp access Requires installation of navigational aids for marine safety (additional cost) Material from channel excavation may require disposal management 	<ul style="list-style-type: none"> Providing an excavated channel comes with obligation to provide safe navigation (manageable through installation of navigational aids) Unknown subsurface conditions which may affect the channel excavation
5. Improved Ramp Alignment over rocky headland 	<ul style="list-style-type: none"> Relocate and reorientate ramp off the rocky headland at the north end of the bay with extended ramp toe level New ramp base to be based on a sloping breakwater design, linking the rocky headland with the existing natural channel Establish new landside ramp access and turning area Ramp top at +6.1 mAHD, ramp toe at -2.0 mAHD (approx.) Remove existing ramp 	<ul style="list-style-type: none"> Addresses existing ramp repair/maintenance requirements Increased operability at lower tide levels through extended ramp length Closest direct access point to the existing natural channel Increase in safety for accessing the natural channel through direct ramp access Full access between high tide and restricted low tide levels (compared to Options 1 and 2) No dredging or reef access required 	<ul style="list-style-type: none"> No full tide access (same for all options) Most exposed location in terms of wind and wave action compared to all other options Extensive earthworks required due to sloping breakwater construction and new landside ramp access Breakwater construction requires imported fill supply and rock protection (cyclonic area) Larger overall footprint 	<ul style="list-style-type: none"> Limited usability and operability due to more exposed location
6. Do Nothing / Leave as is 	<ul style="list-style-type: none"> Implement minimal measures to improve operation and safety (e.g. better signage informing users on the limitations of the ramp and best practices for safe operation) no construction works 	<ul style="list-style-type: none"> No excavation or construction works required Low cost 	<ul style="list-style-type: none"> No full tide access (same for all options) The issues arising from rolling due to the current alignment are not addressed No improvement in ramp operability Ongoing environmental impact by driving onto the reef/rock 	<ul style="list-style-type: none"> Legal responsibility and liability for the Shire by providing access to the reef/rock (willingly or unwillingly) Not addressing all GHD safety in design requirements. Cross surges will continue to cause risks for launching and retrieving vessels

Six concept options were included in the report. Except for Option 6 which is a “leave as is” option, all options require consideration remedial or replacement work.

GHD ranked the concept options with option 4 emerging as the preferred option due to having the advantage of improved useability and operability due to its improved alignment and more protected location:

Table 6 Ranking of Concept Options

Evaluation Criteria	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Useability	1	2	4	6	5	3
Operability	2	3	5	6	4	1
Expected Cost	5	4	3	2	1	6
Liability and Risks	1	2	4	5	6	3
Constructability	5	4	3	2	1	6
Sum	14	15	19	21	17	19

GHD included a Cost Estimate Summary for option 4 as below.

Table 8 Cost Estimate Summary

Item	Cost
Preliminaries	\$116,520
Navigation Channel	\$116,470
Boat Ramp	\$153,267
Navigation Aid	\$36,955
Access Road Realignment	\$93,904
Existing Boat Ramp Removal	\$32,888
Sub Total	\$550,000
Construction Contingency	\$55,000
Professional fees and disbursements (8%)	\$45,000
Estimated Total Commitment (excl GST)	\$650,000
Estimated Total Commitment (inc. GST)	\$715,000

Should Council recommend option 4 being the option to proceed with, potential funding is available with the Department of Transport’s Recreational Boating

Facilities Scheme Round 20 which could see up to 75% (funding to \$1.5m in regional WA) of the total project costs being covered by funding. Applications for this funding close on the 10th February, 2015. As this project will not commence until the new financial year, it is envisaged that project costs would require an additional contingency of 10%.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

3.3 BUDGET PREPARATION

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

Goal 4 – Environmental – Planned Actions

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

4.1 Reduce the Shire's ecological footprint

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 accept the Cape Keraudren Boat Ramp study and support recommendation four within the report.

**9.2.7 CHANGE IN METHOD OF VALUATION – ATLAS OPERATIONS PTY LTD
(PREVIOUSLY ATLAS IRON LIMITED) – (MCPHEE CREEK MINE)**

File Ref: A701234
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sarah Cooke
Finance Officer - Special Projects
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider making application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value for the portion of Exploration Licence No. E46/733 containing McPhee Creek Mine Accommodation Village.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The Policy will apply for a trial period of three years from 1 July 2012 to 30 June 2015. The Minister, of the time, encouraged local governments to consider the use of GRV for these mining interests to ensure that they are maximising their rating opportunities. However, Council should consider any proposal for change before it is presented to the Minister for a decision.

McPhee Creek Mine is owned by Atlas Operations Pty Ltd (previously Atlas Iron Limited) on an Exploration Licence. The village provides accommodation for up to 76 people, and the approximate annual rate levy, provided by the Valuer General, on a gross rental valuation of \$470,493 would be \$15,376.28. The current rating status of A700090 (overall mining tenement) is that a rate was levied on the basis of an unimproved valuation of \$0 (dead tenement) at 15.5751c/\$ equalling \$0.

In comparison, examples of camps currently using this method of valuation: -

Assess. No.	Owner	Camp	Beds	GRV \$/Yr	Rate \$/Yr	\$/Bed/Yr
A700821	Rio Tinto	West Angelas	1,526	6,741,980	220,335	144
A700822	BHPB	Area C	1,281	5,180,864	169,316	132
A700823	Hamersley	Yandicoogina	1,054	6,280,040	205,238	194
A700824	BHPB	Yandi	930	4,208,360	137,533	147
A3005660	Chichester	Karntama	1,600	9,944,920	325,000	203

It should be noted that above valuations are very much dependent upon the extent of infrastructure at each camp.

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION:

THAT Council makes application to the Minister for Local Government to change the method of valuation on A701234 Atlas Operations Pty Ltd from unimproved to gross rental and upon approval calculate an interim rating levy effective from the date of that approval.

**9.2.8 CHANGE IN METHOD OF VALUATION - BHP BILLITON IRON ORE
(JIMBLEBAR) PTY LTD (WARRAWANDU VILLAGE)**

File Ref: A480030
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sarah Cooke
Finance Officer - Special Projects
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider making application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value for the portion of Special Agreement No. AML 244SA containing Warrawandu Village.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The Policy will apply for a trial period of three years from 1 July 2012 to 30 June 2015. The Minister, of the time, encouraged local governments to consider the use of GRV for these mining interests to ensure that they are maximising their rating opportunities. However, Council should consider any proposal for change before it is presented to the Minister for a decision.

Warrawandu Village is owned by BHP Billiton Minerals Pty Ltd, CI Minerals Australia Pty Ltd and Mitsui Iron Ore Corporation Pty Ltd (previously BHP Billiton Iron Ore (Jimblebar) Pty Ltd) on a Special Agreement. The village provides accommodation for up to 1600 people, and the approximate annual rate levy, provided by the Valuer General, on a gross rental valuation of \$9,950,720 would be \$325,199.48. The current rating status of A480030 is that a rate was levied on the basis of an unimproved valuation of \$169,624 at 17.6989c/\$ equalling \$30,021.58.

In comparison, examples of camps currently using this method of valuation: -

Assess. No.	Owner	Camp	Beds	GRV \$/Yr	Rate \$/Yr	\$/Bed/Yr
A700821	Rio Tinto	West Angelas	1,526	6,741,980	220,335	144
A700822	BHPB	Area C	1,281	5,180,864	169,316	132
A700823	Hamersley	Yandicoogina	1,054	6,280,040	205,238	194
A700824	BHPB	Yandi	930	4,208,360	137,533	147
A3005660	Chichester	Karntama	1,600	9,944,920	325,000	203

It should be noted that above valuations are very much dependent upon the extent of infrastructure at each camp.

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION:

THAT Council makes application to the Minister for Local Government to change the method of valuation on A480030 BHP Billiton Minerals Pty Ltd, CI Minerals Australia Pty Ltd and Mitsui Iron Ore Corporation Pty Ltd from unimproved to gross rental and upon approval calculate an interim rating levy effective from the date of that approval.

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

File Ref: A605011
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sarah Cooke
Finance Officer - Special Projects
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider making application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value for the portion of Mining Lease No. M45/8 containing Telfer Mine Accommodation.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The Policy will apply for a trial period of three years from 1 July 2012 to 30 June 2015. The Minister, of the time, encouraged local governments to consider the use of GRV for these mining interests to ensure that they are maximising their rating opportunities. However, Council should consider any proposal for change before it is presented to the Minister for a decision.

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

In comparison, examples of camps currently using this method of valuation: -

Assess. No.	Owner	Camp	Beds	GRV \$/Yr	Rate \$/Yr	\$/Bed/Yr
A700821	Rio Tinto	West Angelas	1,526	6,741,980	220,335	144
A700822	BHPB	Area C	1,281	5,180,864	169,316	132
A700823	Hamersley	Yandicoogina	1,054	6,280,040	205,238	194
A700824	BHPB	Yandi	930	4,208,360	137,533	147
A3005660	Chichester	Karntama	1,600	9,944,920	325,000	203

It should be noted that above valuations are very much dependent upon the extent of infrastructure at each camp.

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION:

THAT Council makes application to the Minister for Local Government to change the method of valuation on A605011 Newcrest Operations Ltd from unimproved to gross rental and upon approval calculate an interim rating levy effective from the date of that approval.

**9.2.10 CHANGE IN METHOD OF VALUATION - PROCESS MINERALS
INTERNATIONAL (PHIL'S CREEK VILLAGE)**

File Ref: A700703
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sarah Cooke
Finance Officer - Special Projects
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider making application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value for the portion of Mining Lease No. M47/1359 containing Phil's Creek Village.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The Policy will apply for a trial period of three years from 1 July 2012 to 30 June 2015. The Minister, of the time, encouraged local governments to consider the use of GRV for these mining interests to ensure that they are maximising their rating opportunities. However, Council should consider any proposal for change before it is presented to the Minister for a decision.

Phil's Creek Village is owned by Process Minerals International on a Mining Lease. The village provides accommodation for up to 126 people, and the approximate annual rate levy, provided by the Valuer General, on a gross rental valuation of \$781,456, would be \$25,538.76. The current rating status of A700703 is that a rate was levied on the basis of an unimproved valuation of \$71,435.00 at 17.6989c/\$ equalling \$12,643.21.

In comparison, examples of camps currently using this method of valuation: -

Assess. No.	Owner	Camp	Beds	GRV \$/Yr	Rate \$/Yr	\$/Bed/Yr
A700821	Rio Tinto	West Angelas	1,526	6,741,980	220,335	144
A700822	BHPB	Area C	1,281	5,180,864	169,316	132
A700823	Hamersley	Yandicoogina	1,054	6,280,040	205,238	194
A700824	BHPB	Yandi	930	4,208,360	137,533	147
A3005660	Chichester	Karntama	1,600	9,944,920	325,000	203

It should be noted that above valuations are very much dependent upon the extent of infrastructure at each camp.

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION:

THAT Council makes application to the Minister for Local Government to change the method of valuation on A700703 Process Minerals International from unimproved to gross rental and upon approval calculate an interim rating levy effective from the date of that approval.

9.2.11 MONTHLY FINANCIAL STATEMENTS - AUGUST 2014

Attachments:	August 2014 Variance Report.doc August Financial Statements.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Lisa Davis Coordinator Financial Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To provide Councillors with a monthly financial statement on the operations of Council.

BACKGROUND

The attached 12-page report details the financial activities of the Council for the period August 2014 of the 2014/2015 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period August 2014 of the 2014/2015 financial year as presented be received.

9.2.12 MONTHLY FINANCIAL STATEMENTS - SEPTEMBER 2014

Attachments:	Monthly Financial Statements - September 2014.pdf September 2014 Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Lisa Davis Coordinator Financial Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To provide Councillors with a monthly financial statement on the operations of Council.

BACKGROUND

The attached 12-page report details the financial activities of the Council for the period September 2014 of the 2014/2015 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period September 2014 of the 2014/2015 financial year as presented be received.

9.2.13 NEWMAN CIVIC CENTRE CONCEPTS

File Ref:	A404235
Attachments:	101 NCC Concept Design Report 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 approve a concept design for the Newman Civic Centre for further development and costing.

BACKGROUND

Council approved the development of concept drawings of a Civic Centre by Woodhead Architects and this concept was presented to Council on the 24th May 2013. Preliminary costings of the buildings were estimated to be in excess of \$20 million. The construction of the East Pilbara Art Centre has presented alternatives to infrastructure requirements within Newman.

Concept drawings of a library within the existing void at the Art Centre have previously been presented to Council.

As the Pilbara Institute have known shown considerable interest in transferring responsibility of the Newman Community Library to Council including the lease of the existing library alternatives to infrastructure within the Art Centre void have been investigated.

COMMENTS/OPTIONS/DISCUSSIONS

Officer Woods Architects, who designed the East Pilbara Art Centre, were engaged to further develop Woodhead Architect's original Civic Centre work to investigate whether the civic area could be incorporated into the Art Centre. Their report is attached.

The report shows two options for the development of a Civic Centre. This area would include:

- Foyer / Reception
 - Council Chambers / Community meeting rooms
 - Lounge / Ante space
 - Chair store
 - Combined Auditorium / Theatre
 - Main auditorium / theatre space
-

- Chair store
- Stage store
- BOH change facilities
- Bar / Café
- Offices / Administration facilities
- Storage (general use)
- Toilets / Amenities

The concept has deleted the following functions as set out in the original scope to Woodhead Architects:

- Town Hall
- Café / Restaurant
- Kitchen
- Library
- Gallery
- Theatrette
- RSL Monument / Memorial
- Outdoor Entertainment Space
- Clock Tower
- Undercover parking

Option two is the preferred option by the Architects as it preserves the intent of the original building maintaining thermal separation by setting habitable rooms back from the shed envelope. Option 2 also allows the main auditorium to be opened into the void allowing for multiple uses.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.3 Implement civic engagement projects
Responsible officer: MCW
Timing: 1-3 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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Accept the Newman Civic Centre concept design investigation;**
- 2. Endorse Option 2 for further investigation and costings.**

9.2.14 NEWMAN SMALL BUSINESS DEVELOPMENT NETWORK

File Ref: STR-8-1
Attachments: [NSBDN Final Commercial Potential 30Sept2014.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

REPORT PURPOSE

For Council to receive the Newman Small Business Development Network document

BACKGROUND

At the 24th April council meeting the following resolution was passed –

THAT Council support the development of a business plan (including feasibility assessments) for the development of a Business Incubator in Newman.

Council's Economic Development consultant was then engaged to review and update the Business Incubator report completed by CCS Strategic in 2011.

A draft document was distributed to officers for comments. These comments were taken into account when producing the final draft.

COMMENTS/OPTIONS/DISCUSSIONS

Currently the development of the Mixed Business area in Newman is still in the planning process by Landcorp.

Although money was included in the budget for the purchase of land in the new mixed business area the development of the business case and comments from Shire officers has recommended that this is be the best course of action at this time.

The report includes the following recommendation:

“This business plan recommends supporting a private developer to establish the mixed business incubator facility based on the model outlined in Section 5 on Lot 8 Abydos Way, Newman, and the creation of the virtual incubation components of the program (Section 2, 3, 5, 6 and 7) subject to:

1. The review of private sector investment practice to ensure the business incubator reaches financial sustainability and returns on investment.

2. The consideration of the incubator project from the perspective of being profitable with strong returns on investment. The potential for the mixed business incubator in Newman suggests an incubation program in this sector is profitable but subject to the ensuring the maximum level of long term lessees to “anchor” the investment.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.59. Commercial enterprises by local governments (pg 72)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

- 3.3.1 Ensure well managed and equitable provision of community infrastructure
Responsible officer: MBA
Timing: 1-5 years
- 3.3.3 Provide infrastructure to support economic development
Responsible officer: DCEO
Timing: 1-5 years
- 3.2.1 Promote a variety of choice in local employment
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.

- 3.1 Business diversification and promotion
 - 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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council receive the Newman Small Business Development Network document as presented.

9.2.15 NULLAGINE COMMUNITY SPACES

File Ref:	STR-3-4
Attachments:	Nullagine Business Plan Report 281114AWLR.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 receive the draft "Towards Creating Sustainable Community Spaces in Nullagine" document and endorse an infrastructure and governance option for further development

BACKGROUND

The Report into Youth and Family & Children's Services Delivery – Nullagine and the "Nullagine Blue Paper" both highlighted the need for a community / evacuation centre for the town of Nullagine. A consultant, Creating Communities, was then engaged to further development the possibility of constructing this centre.

The main challenge when writing this report was the fact the Nullagine is built in a flood plain.

COMMENTS/OPTIONS/DISCUSSIONS

Although the report acknowledges the lack of infrastructure in the town it also highlights the lack of use of existing infrastructure.

The under-utilisation of the courts is not due to their condition which is somewhat acceptable – it is due to the lack of access to sporting equipment, organised activities and shade...."

The construction of an evacuation centre is divided in support among members of the community and while it may seem a good idea there are challenges.

"The only viable locations for the community / evacuation facility, while on high ground, are cut off from the other parts of the town and from any access to the main road out of Nullagine. Hence, any evacuation centre provision will need to be designed to accommodate people for a length of time that accounts for a lack of access within and outside of the town."

Any thought of constructing an evacuation centre must take this into account and other works including the upgrading or replacement of pedestrian access across the river must be considered.

“There appears to be a significant social and geographical divide between the Aboriginal Irrungadji community and the non-Aboriginal community, which directly impinges on the overall function and cohesion of the community. This can directly impact the effective use of community assets.”

It is therefore vital that the activation plan the community / evacuation centre be undertaken at the same time as any infrastructure planning.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.59. Commercial enterprises by local governments (pg 72)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.4.1 Promote diverse, harmonious and caring communities
Responsible officer: MCW
Timing: 1-3 years
- 2.4.2 Build strong community groups, networks and governance
Responsible officer: MCW
Timing: 1-5 years
- 2.4.3 Provide relevant and affordable community services
Responsible officer: MCW
Timing: 1-5 years
- 2.4.4 Equity and opportunities for all
Responsible officer: MCW
Timing: 1-3 years

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
 - 2.1.3 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

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Receive the draft "Towards Creating Sustainable Community Spaces in Nullagine" document;
2. Endorse Option A1, being the development of a community hub on lot 19/20 for further development of the infrastructure;
3. Endorse the further development of the joint management approach as set out in the draft document.

**9.2.16 REPLACEMENT OF GYMNASIUM EQUIPMENT AT NEWMAN
RECREATION CENTRE**

File Ref:	A404072
Attachments:	ALLEASING PLAN - NEWMAN GYM EQUIPMENT.xls
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr David Goodwin Manager Recreation and Events
Location/Address:	Newman Recreation Centre
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

This report presents a proposal to acquire replacement of eighteen (18) cardiovascular exercise machines plus replacement of twelve (12) new items of strength equipment for the Newman Recreation Centre gymnasium. The proposal is that the new equipment is to be leased over a period of 5 years and is to include a fixed cost preventative maintenance plan for all new and existing equipment at the Newman, Nullagine and Marble Bar gymnasiums for the term of the lease and recommends that Council supports the proposal.

BACKGROUND

The provision of good quality fitness equipment (i.e. treadmills, cross trainers and bikes) and strength equipment is a fundamental aspect of the gymnasium service at all three gymnasiums within the Shire of East Pilbara. The equipment is key to ongoing income, casual visitations and building membership usage of the facilities.

Depending on the level of use, the average lifespan of the cardio equipment is about five years. A number of the current cardio fitness equipment items at the Newman Recreation Centre are over five years old and some pieces are over ten years old. As the equipment ages it becomes prone to break down and depending on the availability of parts and maintenance contractors, can sometimes be out of action for weeks or even months at a time. When this occurs it creates a shortage of equipment in peak periods and generates complaints from gym members wishing to use the equipment.

The gym at Newman Recreation Centre currently has nineteen (19) pieces of cardiovascular equipment. Most items of equipment are beyond the end of their lifespan and will need to be replaced in the short term.

The gym at Newman Recreation Centre currently has twenty three (23) pieces of strength equipment and is seeking to replace twelve (12) pieces. The items of equipment highlighted for replacement have had high ongoing maintenance costs and are not up to the standard required by many of our regular users.

It is proposed that if required, some of the younger items of equipment from Newman are moved to Marble Bar and/or Nullagine facilities in order to provide better quality equipment at those facilities also where there is less usage than at Newman.

COMMENTS/OPTIONS/DISCUSSIONS

To date Council has purchased gym equipment outright. This has some benefits in that the Shire would retain ownership of the equipment and retain any residual value at the end of the five year period.

The main disadvantages of purchasing are as follows

- The up-front capital cost which would be in this case be \$252,555 (not including a maintenance contract) and is higher than the annual lease fee due to the costs being spread over a five year lease period.
- Increasing machine service costs year upon year.
- Requirement to go to tender thereby creating uncertainty over quality of product and possibly untried maintenance service provision capability and expertise.

It should also be considered that the fitness industry is developing rapidly and the ability to keep up with member needs and changes in the industry means that keeping equipment beyond their lifespan impacts membership levels and customer satisfaction. For this reason an operating lease should be considered as the most effective means of ensuring some financial, technological and end of term options. The general trend in the fitness industry in order to keep up to date and retain and grow membership is now to lease equipment

The leasing of gym equipment enables Council to acquire equipment required to operate a modern state of the art service that it may otherwise be unable to provide in the short term with capital purchase.

There are other significant benefits for the Shire to lease gym equipment which include

- It would allow a single maintenance contract to be entered into with a known tried and tested supplier and minimise the potential for ongoing problems with the maintenance of the equipment at all 3 facilities.
- The lease is likely to reduce the annual maintenance budget substantially for the three facilities as this price will be fixed for 5 years including travel and accommodation for the technicians.
- Access to a higher standard of equipment for all three gymnasiums.
- Limited end of lease term disposal issues as the lease company to arrange disposal and sale.
- A fixed cost from the operating budget.
- When upgrades or replacements are required in the future (post 5 years) an adjustment can be made to the lease term, equipment can be exchanged, returned or new equipment added to a further term.
- Ability to choose the equipment we want immediately rather than going to tender and possibly obtaining non favoured equipment
- Ability to choose a company without going to tender with known and tested maintenance capacity.

Allleasing (a WALGA approved leasing facility) have been requested to compile a gym equipment leasing schedule model on behalf of the Shire. The model itemises a suggested replacement schedule using current supplier pricing (See attached)

The risk to Council in accepting a recommendation to lease new equipment is considered low based on the following

- The evaluation process has complied with Councils procurement procedures and the Local Government Act 1995
- Allleasing Pty Ltd is a WALGA approved facility and has successfully completed a number of similar projects for other Councils
- The proposed lease agreement will include all transport costs, supply, installation and warranty, for a period of 60 months for the new equipment.
- Lease on new equipment will come with 5 years warranty to match the lease term
- The proposed lease agreement will also include all service and regular maintenance of new and existing equipment at the Newman, Nullagine and Marble Bar gymnasiums by professional technicians who the Shire have used previously.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

The Shire of East Pilbara Strategic Community Plan identifies one of the Shire's key responsibilities as the provision and maintenance of recreation facilities and public open spaces such as parks, sports fields and courts, swimming pools, sport and recreation centre's

The following planned actions are identified in the plan

- 2.1.1 Promote safe and healthy communities
- 2.1.2 Encourage active lifestyles

The provision of quality up to date equipment will assist the Shire to achieve the actions above and contribute towards meeting one of the shire's key responsibilities.

FINANCIAL IMPLICATIONS

An allocation of \$65,000 has been included in the Newman Recreation Centre budget for purchase of fitness equipment in 14/15. If this proposal to lease gym equipment is endorsed this allocation will not be spent.

An allocation of \$25,000 has been allocated in the operating budget for Newman Fitness Centre expenses, the majority of which historically has been allocated to maintenance of the old equipment. (13/14 maintenance spend on equipment was \$23,000)

An allocation of \$26,000 has been included in the Recreation Services budget for service contracts at Nullagine and Marble Bar gym's. Of this a total of approximately \$12,000 is allocated for the maintenance of the gym equipment.

The cost of leasing the equipment and a regular maintenance visit to all 3 gymnasiums over 5 years is \$353,240 (\$70,648 per year) including the maintenance contract. The maintenance contract portion of this cost is fixed for 5 years at \$57,625 or \$11,525 per year.

The cost to purchase the equipment outright from the preferred supplier with capital funds would be \$252,555 and the maintenance contract \$57,625, a total of \$310,180. The extra cost to lease would therefore be \$43,060 or \$8,612 per year. Taking into account the cost to tender including advertising and staff time to evaluate the documentation the real extra cost over 5 years is likely to be closer to \$30,000 or \$6,000 per year.

As the supply and installation of new gym equipment typically takes 10 /12 weeks it is anticipated that the cost to the Shire for the 2014/15 financial year including a maintenance visit to each facility will be approximately \$29,436 dependant on the delivery date.

The proposed arrangement for funding the lease of the new gym equipment together with the maintenance visits to all three gymnasiums for 2014/15 is as follows:

Newman Fitness Centre Operating Budget Allocation	\$ 17,436
Marble Bar and Nullagine Service contracts Allocation	\$ 12,000
Total	<u>\$ 29,436</u>

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council;

- 1. Endorses acceptance of a proposal for a number of pieces of cardiovascular and strength exercise equipment (as determined by Council officers) for the Newman Recreation Centre to be leased over an initial term of 5 years at an annual lease budget of \$70,648 which is to include a preventative maintenance program for all new and existing equipment at the Newman, Nullagine and Marble Bar gymnasiums.**
- 2. Approves funding for the new gym equipment in 2014/15 as follows:**

Newman Fitness Centre Operating Budget Allocation	\$ 17,436
Marble Bar and Nullagine Service contracts Allocation	\$ 12,000
Total	<u>\$ 29,436</u>

9.2.17 THE WAY FORWARD - IMPROVING YOUTH, FAMILY AND CHILDREN'S SERVICES IN NEWMAN

File Ref: ORG-11-9

Attachments: [DPS116 SOEP The way forward A4 2 \(3\).pdf](#)
[Joblink - Public Comments.pdf](#)

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

REPORT PURPOSE

For Council to endorse the report – The Way Forward – Improving Youth, Family and Children’s Services in Newman.

BACKGROUND

At the Ordinary Council meeting held 24th October, 2014 Council approved the release of the Draft Report for inspection and public comment. (Resolution 201415/100).

Public comments on this document were encouraged over a six week period, through the display of public notices in all three towns, on the Shire website and an advert in the North West Telegraph. Two written comments were received by the deadline, being 4pm Friday, 5th December, 2014 and have been attached.

Both comments were supportive of the document and therefore no changes have been made. Both comments will be taken into account as the process continues.

COMMENTS/OPTIONS/DISCUSSIONS

Over the past twelve months, Council has been researching the mapping, delivery and gaps in services of government agencies, non-government organisations, community groups and the Shire of East Pilbara in Newman that includes a process to contribute to continuous improvement for services from all agencies, including the Shire of East Pilbara. The outcome of the research was to recommend a two year program and how best to address any gaps or what improvements need to be undertaken to continuously improve service delivery. The project has taken considerable time due to the complexity that involved multi-agency and government responsibilities for service delivery and identifying how much onus the Shire of East Pilbara has towards contributing to shaping improved services and their delivery.

In addition, when considering the multiplicity of organisations, including governments at all levels, non-government sectors and the expectations of the communities, and

the continual changes which occur to all policy and principles underpinning service delivery reforms has led to a report being finalised for Newman.

Reports have also been finalised for Marble Bar and Nullagine which have been made available for public comment and have now been received by Council.

The proposed direction for this report has included government policy for service delivery and how the Shire of East Pilbara can participate in this policy area to support continuous service delivery improvements.

Whilst there can always be continuous and increased services to a community, there are also limitations to government direction, policy, budget and risk. It is necessary to address the key issues associated with service delivery in Newman:

- The foremost issue relating to service delivery in Newman is a lack of awareness among the community of the available services, and the lack of a referral centre where the community can easily make contact with services and community activities, and where all service funders, providers and deliverers can lodge their information to enable the community to more easily access services in the town.
- The need to improve youth facilities and services
- A lack of coordinated services planning.
- A lack of community input into service planning and delivery;
- Issues attracting and retaining staff
- Interservice interruptions, primarily due to staffing issues.

Improving infrastructure and governance are identified as the two key elements of the service delivery that are crucial to addressing all of these issues.

Based on the research study, the report presents several infrastructure and governance options for improving youth and family and children's services in Newman and the Shire. A critique of the options is also presented, concluding that developing new infrastructure and enhancing service delivery through better governance is the best way forward.

Specifically, it is recommended that a large scale multi-purpose facility, encompassing youth and family and children's services, offers the greatest potential for addressing the service issues identified, and if coupled with an innovative governance model, the greatest scope for sustainable, and continuously improving, service delivery.

STATUTORY IMPLICATIONS/REQUIREMENTS

Any building or development of spaces will involve Section 3.59 of the Local Government Act.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

- 2.3.2 Develop and implement youth projects
Responsible officer: MCW
Timing: 1-3 years
- 2.4.2 Build strong community groups, networks and governance
Responsible officer: MCW
Timing: 1-5 years
- 2.4.3 Provide relevant and affordable community services
Responsible officer: MCW
Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Note the public comments as presented, and**
- 2. Endorse the report The Way Forward – Improving Youth, Family and Children's Services in Newman.**

9.2.18 FAMILY, CHILDREN AND YOUTH INFRASTRUCTURE PROJECT

File Ref: STR-3-4
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 support the development of a business plan (including the feasibility assessments) for the development of Family, Children and Youth Infrastructure in the East Pilbara.

BACKGROUND

The Shire of East Pilbara has now completed significant studies on Family, Children and Youth Services in the East Pilbara. The following reports have now been received by Council:

- Report into Youth and Family& Children's Services Delivery – Nullagine
- Report into Youth and Family& Children's Services Delivery – Marble Bar
- The Way Forward
- Towards Creating Sustainable Community Spaces in Nullagine (now in final stages of development).

The theme of the reports for both Nullagine and Newman promotes new infrastructure coupled with comprehensive governance. The Nullagine business case does require further work based on Council's preferred option decision.

COMMENTS/OPTIONS/DISCUSSIONS

A business plan is now required to further develop both the Newman and Nullagine projects to comply with legislative requirements. This plan will also to be used as a tool when applying for funding.

Council has accepted the Nullagine infrastructure option for development. The Newman "The Way Forward" document recommendation three options for infrastructure development. These options include the following:

- Design and build a large scale multipurpose facility that encompasses youth and family and children's services.
 - Design and build two smaller scale buildings, one as a youth facility and the other for family and children's services.
 - Redevelop, redesign and/or relocate existing youth and family and children's services/buildings/facilities.
-

It is suggested that two options be further developed. Option one – being the development of one multipurpose facility and a mixture of options two and three – being design and build one new youth facility and redevelop the current Youth Centre to become the Family and Children facility.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.59. Commercial enterprises by local governments (pg 72)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.3 Art, culture and youth

- 2.3.2 Develop and implement youth projects
Responsible officer: MCW
Timing: 1-3 years

2.4

- 2.4.1 Promote diverse, harmonious and caring communities
Responsible officer: MCW
Timing: 1-3 years
- 2.4.2 Build strong community groups, networks and governance
Responsible officer: MCW
Timing: 1-5 years
- 2.4.3 Provide relevant and affordable community services
Responsible officer: MCW
Timing: 1-5 years
- 2.4.4 Equity and opportunities for all
Responsible officer: MCW
Timing: 1-3 years

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.

Account number 89017 budget \$200,000

Balance as at 12-12-2014, \$200,000

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council support the development of a business plan (including feasibility assessments) for the development of Family, Children and Youth Infrastructure in the East Pilbara to include the following:

- 1. Stage 2 of the Nullagine Community Space Report– Final detailed drawings, costings and plans associated with the construction of new facility as recommended in the “Towards Creating Sustainable Community Spaces in Nullagine” Report;**
- 2. Detailed drawings, costings and plans associated with the construction of new facility for Family, Children and Youth, as recommended in the “the Way Forward” Report – Option 1;**
- 3. Detailed drawings, costings and plans associated with the construction of new facility for Youth, as recommended in the “the Way Forward” Report – Option 2;**
- 4. Detailed drawings, costings and plans associated with the redevelopment, redesign of Family and Children’s services, as recommended in the “the Way Forward” Report – Option 3;**

9.2.19 CREDITORS FOR PAYMENT

File Ref: FIN-10-2

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 24/10/14.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT25707 – EFT 26224	5606532.92
	Total	\$5,606,532.92
Cheque Payments	CHQ23132 – CHQ23213	240881.19
Manual Cheque Payments	CHQ206 – CHQ210	25029.84
	Total	\$265,911.03
	GRAND TOTAL	<u>\$5,872,443.95</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

23142, 23144 and 23204

CANCELLED CHEQUES & EFTS
EFT25743

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg 11

- (1) *A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of –*
- (a) *cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and*
 - (b) *petty cash systems.*

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg 12

- (1) *A payment may only be made from the municipal fund or the trust fund –*
- (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds – by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS
Nil.

PLAN FOR THE FUTURE OF THE DISTRICT
Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$5,872,443.95

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT25707 – EFT 26224	5606532.92
	Total	\$5,606,532.92
Cheque Payments	CHQ23132 – CHQ23213	240881.19
Manual Cheque Payments	CHQ206 – CHQ210	25029.84
	Total	\$265,911.03
	GRAND TOTAL	<u>\$5,872,443.95</u>

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - OCTOBER 2014

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Director Technical and Development Services for October 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g. rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS CEO DCEO	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Executive to allocate resources to develop themes and seek funding	Pending
23 August 2013	13.3	WOODIE WOODIE AREA Cr Kevin Danks has asked if it was possible to have the correct names on the signs. Cr Kevin Danks will give the correct names.	MTS-R	Signs received and will be scheduled for installation when crews are in area.	December 2014/Jan 2015
23 May 2014	13.1	CAPE KERAUDREN BOAT RAMP Cr Stephen Kiernan asked if the width of the boat ramp can be looked at, as it could be a hazard especially at night time.	MTS-R	Works request raised to carry out minor repairs to make safe. Works priority to be assessed for scheduling. Some grading of gravel areas has been completed.	December 2014/Jan 2015
27 th June 2014		ROCK WALL – RADIO HILL Cr Shane Carter asked if the rock wall up on Radio Hill can be completed as it	DTDS MTS-N	Repairs to existing wall completed. Matching stone to be sourced to	January 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		was never finished.		complete final 8 metres.	
26 September 2014	13.1	DOG AGILITY PARK Cr Anita Grace asked if we can investigate water being installed at the dog agility park in Newman.	DTDS MDS-H	Design and costings to be investigated	December 2015
26 September 2014	13.5	AIRPORT RESIDENCE CARDS Cr Bidy Schill asked if the Newman Airport residence cards can be sent to residents in towns outside of Newman, with their rates receipt.	DTDS DCEO CEO	Options to be investigated by Executive	December 2015
26 September 2014	13.6	DERELICT CARS – SKULL SPRINGS ROAD 5 MILE CROSSING Cr Bidy Schill asked if we can investigate the transfer of derelict cars, from the property on Skull Springs Road at the 5 mile crossing, to land across the road. Mr Rick Miller, Director Technical & Development Services, to investigate.	DTDS MDS-H MCS	Ownership of land to be established and reported to the Authorities	October 2014
24 October 2014	13.3	SEATING MAIN STREET MARBLE BAR Cr Stephen Kiernan asked if seating can be put in the main street as a lot of people sit on the grass area.	MTS-R	Some seats to be installed.	January 2015

**9.3.2 FINAL ADOPTION - TOWN PLANNING SCHEME AMENDMENT NO. 22 -
ABORIGINAL SETTLEMENTS**

File Ref: PLN-2-2-22
Attachments: [A22.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: N/A
Name of Applicant: Department of Planning
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the final adoption of proposed Town Planning Scheme Amendment No. 22 in relation to Aboriginal Settlements.

BACKGROUND

Council resolved to initiate the proposed amendment at its meeting held on 14 March 2014 and such resolution was as follows:

That Council:

- a) *In pursuance of Section 75 of the Planning and Development Act 2005 resolves to support the initiation to amend the Shire of East Pilbara Town Planning Scheme No. 4 by:*
 1. *Adding 'Settlement' to Part 4.2 – Objectives of the Zone such that it reads as follows:*
 - k) *Settlement: The objective of the zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by:*
 - i. *requiring preparation and endorsement of a Layout Plan.*
 - ii. *ensuring that development accords with the Layout Plan".*
 2. *Delete the 'Aboriginal Settlement' land use from 'TABLE 1 – ZONING TABLE' in Part 4.*
 3. *Add a 'Settlement' zone column to 'TABLE 1 – ZONING TABLE in Part 4 and show the following text in the land use row portion of that column:*
"Land use permissibility is to be determined with reference to the endorsed Layout Plan".
 4. *Delete provision '5.15 ABORIGINAL SETTLEMENTS' and replace with new provision '5.15 – SETTLEMENT ZONE' to read as follows;*
5.15 Settlement Zone

5.15.1 *In the Settlement zone, the use and development of land is to be in accordance with an endorsed Layout Plan prepared in accordance with State Planning Policy No. 3.2 – Aboriginal Settlements.*

5.15.2 *In the event that an approved Layout Plan has not been prepared in accordance with State Planning Policy No. 3.2 – Aboriginal Settlements, assessment and consideration is to be carried out based upon the objectives and intentions of this Scheme.*

5. *Delete from ‘SCHEDULE 1 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS’ the words ‘Aboriginal Settlement’ and its accompanying definition.*

6. *Modify the existing Scheme Maps to include Settlement zones for the following communities: Kiwirrkurra, Jigalong, Warralong, Punmu, Parnngurr and Kunawarritji. The extent of the Settlement zones is to match the relevant Layout Plans.*

7. *Add ‘Settlement’ Zone to the Scheme Legend.*

b) *Numbers the proposed amendment No. 22 and forward such amendment to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 (as amended) prior to advertising in accordance with the Town Planning Regulations 1967.*

As previously reported to Council, the proposed amendment is required to bring the Shire’s Town Planning Scheme No. 4 into line with State Planning Policy 3.2 – Aboriginal Settlements.

In particular, SPP 3.2 requires that all Aboriginal settlements are to have a Layout Plan prepared and endorsed by the Western Australian Planning Commission in order that services can be delivered efficiently and effectively. This requires that the communities, in conjunction with relevant state agencies, collaboratively prepare a Layout Plan to guide development and therefore provision of essential services.

Furthermore, the Layout Plans are to identify the extent of the “settlement” area which essentially forms the boundaries of the Layout Plan. It is this Settlement area that is required to be identified by Local Planning Schemes.

COMMENTS/OPTIONS/DISCUSSIONS

Following the above resolution, the proposed amendment was advertised in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967 which resulted in the following:

- Environmental Protection Authority advised that the proposed amendment would not need to be assessed under the Environmental Protection Act 1996;
- No comments or submissions being received from the communities the subject of the proposed amendment; and
- One submission received from the Department of Parks and Wildlife (DPaW).

In regards to the submission from the DPaW, the comments made are as follows:

- The proposed amendment aims to rezone both Punmu and Parnngurr in line with the land ownership, map 3 of the Layout Plans, of the subject communities;
- DPaW does not support the rezoning of the areas in line with the ownership map and recommends that the rezoning be based only on the 'Context' plan which is those areas containing the physical and service infrastructure.

The basis of the above comments is that both Punmu and Parnngurr are situated within Karlamilyi National Park. Therefore, DPaW have requested that only the areas needed to be developed and/or already developed be rezoned and the wider area remain unchanged as Conservation.

Upon discussing the points raised above with the Department of Planning, it is noted that DPaW have not based their comments on any existing management statements for Karlamilyi National Park. This was confirmed as a result of communications between DPaW and the Department of Planning.

Furthermore, it should be noted that the proposed Settlement areas for each community are based on the Settlement areas developed by Department of Planning and subsequently endorsed by the Western Australian Planning Commission and Shire. Therefore, it would not make sense to deviate from Settlement areas that are already accepted by the wider government agencies.

The proposed amendments will ensure that the Shire's Town Planning Scheme is brought up to date with respect to Aboriginal Community planning and SPP 3.2 which the Shire is required to comply with generally. Accordingly, it is recommended that Council grant final adoption to the amendment without modifications.

STATUTORY IMPLICATIONS/REQUIREMENTS

The proposed amendment has been prepared and advertised in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). Council is now required to resolve to adopt the amendment with or without modification or resolve not to adopt the amendment.

POLICY IMPLICATIONS

State Planning Policy 3.2 – Aboriginal Settlements

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

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 (as amended) and Regulations 17, 18 and 25 of the Town Planning Regulations 1967 (as amended) resolves to adopt Town Planning Scheme Amendment No. 22 without modification(s);**
- 2. Authorises the Shire President and the Chief Executive Officer to apply the Shire seal and execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967;**
- 3. Forwards the documents executed in Point 2 above to the Western Australian Planning Commission for final approval by the Minister of Planning.**

9.3.3 TENDER RFT 07-2014/15 SUPPLY AND DELIVERY OF IRRIGATION COMPONENTS.

File Ref: LEG-13-4-7
Attachments: Confidential
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Bhavesh Modi
Manager Technical Services – Newman
Proposed Meeting Date: 12 December 2014
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider tenders for Supply and Delivery of Irrigation Components and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of east Pilbara to the contract of the successful tenderer.

BACKGROUND

The tender for supply of irrigation components to maintain the shire reticulation network was advertised in the West Australian newspaper and on the Shire's website. On closing date, 17th November 2014, the Shire officers received seven tender submissions from six suppliers, including one alternative offer.

COMMENTS/OPTIONS/DISCUSSIONS

At close of tender seven (7) tender submissions were received as listed below:

- 1) Mateus Contracting
- 2) North West Hydro
- 3) Terrain Group
- 4) Think Water – Canningvale
- 5) Think Water - Geraldton
- 6) Total Eden (Conforming)
- 7) Total Eden (Alternative)

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

Relevant Experience	Weighting 5% (25%)
Key Personnel and Experience	Weighting 4% (20%)
Tenderer's Resources	Weighting 5% (25%)
Demonstrated Understanding	Weighting 6% (30%)
Pricing (EX GST)	Weighting 80%

Out of seven tender submissions being received, Mateus contracting did not submit a conforming tender so did not progress to the next stage. Terrain group progressed to the next stage but were not scored due to the high number of missing pricing from the pricing schedule. This left five submissions to be fully evaluated and scored.

The assessment and evaluation scores and ranking are shown in the below table:

Tenderer	Total Weighted Score	Ranking
Think water - Canningvale	87.7	1
Total Eden Alternative	86.3	2
Total Eden Conforming	83.2	3
North West Hydro	82.9	4
Think Water Geraldton	37.3	5

Hence, although Think Water – Canningvale pricing was slightly higher on the per annum basis of selected products, it was the officers opinion that the Think Water-Canningvale submission has more flexibility and will provide a better service delivery option with quality components.

The results of the tender assessment indicate that tender submission from Think Water – Canningvale is the most advantageous to the Council. Hence, their tender submission would be recommended as the preferred submission.

A full assessment of the tender submissions is attached under a separate confidential cover.

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

STRATEGIC COMMUNITY PLAN

Goal 4 – Environmental – Planned Actions

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

4.2 Promote a sustainable environment

4.2.1 Cultivate clean green towns

Responsible officer: MCW

Timing 1 year

- 4.2.2 *Promote improved water management*
Responsible officer: DTDS
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.
GL#. 111576 - \$821,000 and GL#111533- \$300,000

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Award tender RFT 07-2014/2015 Supply and Delivery of Irrigation Components, to Think Water-Cannigvale for the period of two years with the option of an additional two by one year extensions subject to satisfactory performance.**
- 2. Approve the Chief Executive Office applying the common seal of the Shire of East Pilbara to the contract between the Shire and Thank Water Canning Vale with respect to this tender**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
30th January 2015, Newman
- 15 CLOSURE**