



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, Marble Bar,
10.00 AM, FRIDAY, 14 MARCH, 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 Shane Carter
Cr Craig Hoyer
Cr Doug Stead
Cr Gerry Parsons
Cr Kevin Danks
Cr Stephen Kiernan
Cr Biddy Schill

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mrs Sheryl Pobrica

Chief Executive Officer
Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Rick Miller

Director Technical and Development
Services.

2.3 LEAVE OF ABSENCE

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 January 31 2014 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 31 January 2014, be confirmed as a true and correct record of proceedings.

7.2 PILBARA REGIONAL COUNCIL MINUTES

THAT the minutes of the Ordinary Meeting of Pilbara Regional Council held on 3 February 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 DECISIONS - JANUARY 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.

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 January 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
27 September 2013	13.4	SUPPORT FOR MR JACK BENNETT Cr Lang Coppin has asked the Council to support Mr Jack Bennett in his request for help in receiving funding as he does a great service to the community and people who travel on the desert roads.	CEO	Being considered	
31 January 2014	9.1.16	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	President		On Going
31 January 2014	9.1.8	EXTENSION OF LEASE KURRA VILLAGE	CEO	1 st Meeting 12/03/2014	
31 January 2014	13.5	NEW POLICE OFFICER IN CHARGE NEWMAN Cr Doug Stead asked if it was possible to meet the new Officer in Charge from the Newman Police Station. Mr Allen Cooper replied when the Officer in Charge commences that he will be invited to meet and address Council.	CEO		To be Confirmed

9.1.2 2014 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION

File Ref: CLR 5-2
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 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 2014.

BACKGROUND

WALGA has advised proceeding on the next WA Local Government Convention and Trade Exhibition to be staged at the Perth Convention and Exhibition Centre (PCEC) on Wednesday 6th August to Friday 8th August 2014 called Illuminate 2014 – Transparency, Trust and Transformation.

The format of the 2014 Convention will be similar to 2013. The 2014 WALGA Annual General Meeting (AGM) starting at 1.30pm, Wednesday 6th August 2014, which the Shire of East Pilbara requires two voting delegates to attend.

The Opening Welcome Reception will take place on Wednesday 6th August 2014.

The Local Government Convention and Trade Exhibition will commence Thursday 7th and Friday 8th August 2014.

The Annual Gala Dinner will take place on the evening of Friday 8th August 2014.

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

In 2013, nine (9) 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 2014 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 2014 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.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

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

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

REPORT PURPOSE

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

BACKGROUND

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

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 January 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
23 August 2013	13.5	<p>CIVIC CENTRE – MARBLE BAR Cr Stephen Kiernan asked if the flooring can be repaired or replaced due to wear and tear. Also the window could be tinted and lights checked. Manager Building Assets to follow up</p>	MBA	Windows and tinting completed. Flooring still being assessed.	In Progress
25 October 2013	15.1	<p>SKATE PARK AND BANNERS FOR MARBLE BAR Cr Stephen Kiernan asked when the mobile skate park and banners would be purchased for Marble Bar.</p> <p>Deputy Chief Executive Officer replied that the banners had been purchased and is awaiting delivery to Nullagine and Marble Bar. Further information is currently being sought on the mobile skate park and this will come back to the next Council meeting.</p>	DCEO	Banners are purchased and delivered to be installed MB Skate Park is being addressed in budget review.	Budget Review in Agenda
6 December 2013	13.11	<p>CAPE KERAUDREN Cr Lang Coppin asked about the running and managing cost for Cape Keraudren.</p> <p>Deputy Chief Executive Officer replied a report was currently being undertaken by the Manager Building Assets and will be tabled at next month's meeting.</p>	MBA	In Agenda	March Agenda 2014

9.2.2 AUDIT COMMITTEE REPORT 27 FEBRUARY 2014

File Ref: FIN-21-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

BACKGROUND

The Audit Committee met on the 27th February 2014 and the minutes of that meeting are attached.

COMMENTS/OPTIONS/DISCUSSIONS

Role of the Audit Committee

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Committee minutes.

POLICY IMPLICATIONS

Refer to attached Committee minutes.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

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

COMMITTEE RECOMMENDATION 1:

THAT the Audit Committee recommends to Council that the monthly financial statements for the period 1 July 2013 to 31 January 2014 of the 2013/2014 financial year as presented be received.

COMMITTEE RECOMMENDATION 2:

THAT the Audit Committee recommends to Council that the Audit Committee Report from BDO Audit (WA) Pty Limited for the year ended 30 June 2013 be received.

COMMITTEE RECOMMENDATION 3:

THAT the Audit Committee recommends to Council that the Compliance Audit Return 2013 as presented be received.

9.2.3 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2013

File Ref: FIN-23-5
Attachments: [Dec2013 variance.pdf](#)
[Financial Dec 2013](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms 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 December 2013 of the 2013/2014 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. Graphs showing budget v actual and Income & Expenditure by Nature & Type
4. A schedule detailing all expenditure for the year to date for individual capital items.
5. 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 December 2013 of the 2013/2014 financial year as presented be received.

9.2.4 MONTHLY FINANCIAL STATEMENTS - JANUARY 2014

File Ref: FIN-23-5
Attachments: [January 2014 Variance Report.doc](#)
[January Financials.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Davis
Coordinator Financial Services
Location/Address:
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 January 2014 of the 2013/2014 financial year –

There are 4 sections of the monthly report:

6. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
7. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
8. Graphs showing budget v actual and Income & Expenditure by Nature & Type
9. A schedule detailing all expenditure for the year to date for individual capital items.
10. 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 January 2014 of the 2013/2014 financial year as presented be received.

9.2.5 AUDIT REPORT 2013

File Ref: FIN-21-1

Attachments: [Audit Board Report.pdf](#)
[2013 SOEP Audit 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

To review and accept the auditor's Audit Report and Audit Board Report as presented.

BACKGROUND

The Shire's annual financial audit for the year ended 30 June 2013 was an unmodified audit opinion (ie a 'clean' audit) and it stated:

Audit Opinion

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

- (i) presents fairly, in all material respects, the financial position of Shire of East Pilbara as at 30 June 2013, and of its performance for the year ended; and*
- (ii) Complies with Australian Accounting Standards (including the Australian Accounting Interpretation); and*
- (iii) Is prepared in accordance with the requirements of the Local Government Act 1995 Part 6 (as amended), and Regulations under that act; and*
- (iv) The following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions:*
 - (a) The asset consumption ratio; and*
 - (b) The asset renewal funding ratio."*

This is the audit report that is published within the annual report.

As well as the audit opinion the auditor also presents a Report to the Audit Committee that identifies key audit risk, including a summary of the audit procedures and adjusted/unadjusted difference. There were no uncorrected misstatements identified during the audit.

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

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to-

- a) the mayor or president;
- b) the CEO of the local government; and
- c) the minister

Part 7 - Audit (Division 3 - Conduct of audit) 7.12A. Duties of local government with respect to audits

(3) A local government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9 (3) forwarded to it, and is to –

- a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
- b) ensure that appropriate action is taken in respect of those matters.

(4) A local government is to –

- a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
- b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under 7.9 is received by the local government, whichever is the latest time.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Review the Auditor's Report to the Audit Committee;**
- 2. Receive the Report to the Audit Committee.**

9.2.6 COMPLIANCE AUDIT RETURN 2013

File Ref:	LEG-1-11
Attachments:	rptCARFullReturn 2013.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

To seek Council's comment on, and receipt of the Local Government Compliance Audit Return ("CAR") for the period 1 January 2013 to 31 December 2013.

BACKGROUND

Council must complete an annual audit of compliance with statutory requirements.

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

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

After the completion of the CAR, the following should occur:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

The structure of the CAR was revised for the 2011 year with the areas of compliance being restricted to those matters considered to be of high risk. This resulted in the CAR being reduced in size from the previous 27 pages to eight pages for the 2011

and 2012 return. The format of that year has now been replicated again for the 2013 year.

The compliance report now has 9 sections, and these sections contain a total of 78 compliance points. The table below sets out the detail referred to:

Area questions relate to	No of Q's	Yes Answers	No Answers	Not Applicable
Commercial Enterprises	5	0	0	5
Delegation of Power / Duty	13	7	0	6
Disclosure of Interest	16	14	1	1
Disposal of Property	2	0	0	2
Elections	1	1	0	0
Finance	15	9	2	4
Local Government Employees	5	2	0	3
Official Conduct	6	5	0	1
Tenders for Providing Goods and Services	15	8	1	6
TOTAL	78	46	4	28

High compliance has been achieved, with the "Yes" answers representing 46 out of 50, or a 92% achievement rate.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 7 - Audit (Division 4 - General) 7.13. Regulations as to audits (pg 269)
"Regulations as to audits.

Regulations may make provision –

- (i) requiring local governments to carry out...an audit compliance as prescribed."

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

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Note the issues of non-compliance; and**
- 2. Adopt the Compliance Audit return for the calendar year of 2013.**

9.2.7 BUDGET REVIEW AS AT 31 JANUARY 2014

File Ref: FIN-23-10
Attachments: [Budget Review 2013-2014.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider and accept the budget review as at 31 January 2013.

BACKGROUND

This report outlines projected variance with the 2013/2014 budget and proposed changes to the budget and brief explanation of why the changes are required. Also attached is a seventeen page report detailing projected actual figures to 31 January and variance against budget figures.

There are three sections to the budget review attachment:

1. A financial activity report outlining variance against project actuals and the 2013/2014 budget.
2. A reconciliation of projected actual capital expenditure against the 2013/2014 budget.
3. Projected net assets as at 30 June 2014.

COMMENTS/OPTIONS/DISCUSSIONS

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

Variances in the operating and capital budget:

General Purpose Funding – Function 3

Grants Commission Funding \$350,000 higher than budgeted. This is because Council had not received final figures and were conservative with the Grant Commission estimated funds. Also the department of Regional Development informed us that funding under the CLGF Royalties for Regions Program were to be discontinued. As projects under this scheme were required by the Department of Regional Development to be included in the budget to be eligible for the funding this has left a significant reduction in capital works being able to be undertaken. Projects affected are listed below:

CLGF - R4R - 2012/2013

Amount expected -\$1,036,000

Projects – As follows:

Newman Office Extension	\$ 500,000
Newman Community Hall	\$ 60,000
Marble Bar Civic Centre	\$ 20,000
Marble Bar Memorial	\$ 100,000
Ethel Creek Toilet	\$ 200,000
M/Bar & Nullagine Court Upgrade	\$ 100,000
M/Bar Depot Toilet Block	\$ 56,600

CLGF - R4R – 2013/2014

Amount expected - \$1,020,000

Projects – as follows:

Newman Depot Upgrade	\$ 750,000
Newman Animal Pound	\$ 170,000
Nullagine Footpath Program	\$ 100,000

All these projects have now been deferred for consideration in the 2014/2015 budget with the following exceptions:

- Newman Office Extension has been reduced by \$350,000 and the \$150,000 is in the budget review for consideration
- Newman Community Hall works were undertaken within budget restraints
- Marble Bar Civic Centre works were undertaken within budget restraints
- Marble Bar and Nullagine Court upgrade is in the budget review for consideration.

Governance – Function 4

Supervision Fee income is down on budget by \$170,000. Plane hire and general administration and utilities up by \$100,000

Law, Order and Public Safety – Function 5

The deletion of FESA funding for the SES Building is matched by a reduction in capital works as the SES Building tender came in significantly over budget. This is being reviewed by the Manager Community Safety.

Community Amenities – Function 10

Estimated tip fees and liquid disposal fees are significantly up on budget - \$1,750,000. Planning applications are down on budget - \$100,000. The net effect has been significantly more income in this area than expected.

Recreation and Culture – Function 11

Estimated electricity charges for the swimming pool are over 100% higher than budgeted being \$120,000.

Economic Service – Function 13

Building licences are significantly down on budget - \$350,000. Operating costs at Cape Keraudren are significantly up on budget - \$70,000.

Other Works and Services – Function 14

Public works overheads are up on budget - \$140,000.

All areas not specifically mentioned remain within variance levels to budget targets.

Excluding noncash items and funding programmes a surplus of approximately \$550,000 is currently forecast.

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

New Capital Expenditure		
Newman Administration Building Additions		150,000
Marble Bar and Nullagine Court Upgrade		100,000
Marble Bar Skate Park		90,000
Emu Cricket Cover		10,000
Fencing at Goanna Oval		11,000
Transport and Freight Hub		150,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		511,000

The following additional reserve transfers for incomplete works are submitted for consideration by Council:

New Reserve Transfers - Incomplete Works		
Heavy Plant - 2726, 2761 and 2723		643,000
Cape Keraudren - Fencing		80,000
Recreation Facilities - Storage Facility and Play equipment		450,000
Staff Housing – Homestead Ramble		1,000,000
Waste Management – Weighbridge, Recycling MRF & Buildings and Septage Ponds.		923,000
Public Art		20,000
Public Buildings – Youth Centre design and Lot 600 Community purposes		260,000
Newman Town Centre – Purchase of Lot 500 Calcott		40,000
TOTAL ADDITIONAL RESERVE TRANSFERS		3,416,000

STATUTORY IMPLICATIONS/REQUIREMENTS

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

33A. Review of budget

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

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

- (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

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

Local Government Act 1995 Part 6, Division 4

6.11. Reserve accounts

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

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

It is expected that Council will bring forward a surplus of approximately \$36,800 into the 2014/2015 year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Accept the Budget Review for the 31st January 2013 as set out.**
- 2. Authorise additional capital expenditure from surplus as follows:**

New Capital Expenditure		
Newman Administration Building Additions		150,000
Marble Bar and Nullagine Court Upgrade		100,000
Marble Bar Skate Park		90,000
Emu Cricket Cover		10,000
Fencing at Goanna Oval		11,000
Transport and Freight Hub		150,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		511,000

- 3. Authorise additional reserve transfers as follows:**

New Reserve Transfers - Incomplete Works		
Heavy Plant - 2726, 2761 and 2723		643,000
Cape Keraudren - Fencing		80,000
Recreation Facilities - Storage Facility and Play equipment		450,000
Staff Housing – Homestead Ramble		1,000,000
Waste Management – Weighbridge, Recycling MRF & Buildings and Septage Ponds.		923,000
Public Art		20,000
Public Buildings – Youth Centre design and Lot 600 Community purposes		260,000
Newman Town Centre – Purchase of Lot 500 Calcott		40,000
TOTAL ADDITIONAL RESERVE TRANSFERS		3,416,000

9.2.8 AMENDMENT TO LIGHT VEHICLE POLICY

Attachments: [Light vehicle policy amended](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's endorsement to amend the Light Vehicle Policy (Item 10.6 in Policy Manual). Minor amendments are required to clarify the Policy.

BACKGROUND

This Policy that was adopted in September 2010, provides guidelines for the allocation of Council vehicles to employees.

COMMENTS/OPTIONS/DISCUSSIONS

The specific amendments will be:

1. In item 1 – change the title of Director Technical Services to 'Director Technical and Development Services'.
2. In item 4(a) – change the title of Director Technical Services to 'Director Technical and Development Services'.
3. In item 4(b) – add a hyphen in between the words 'Services' and 'Rural'.
4. In item 4(c) – change the title of Manager Works and Services Nullagine to 'Manager Technical Services Nullagine'.
5. In item 5 (Supervisors/Coordinators Use Category) – delete the words 'No Private Use' and replace with the words 'Commuting use or as negotiated in letter of appointment'.
6. In Item 5.3 – following the words 'The assigned staff member's spouse or partner is permitted to drive the vehicle' add the words 'if the assigned staff member is present in the vehicle, or as negotiated in the assigned staff member's contract'.

The current Policy wording with tracked changes which highlight the proposed amendments is attached.



10.6 Light Vehicle Policy

Minute No: → Item 9.1.3 → ¶

Resolution No: → 201011/65¶

Date: → → 24 September 2010¶

→ → 14th March 2014¶

Formatted: Superscript

Objective¶

The objective of this policy is to provide guidelines for the allocation of Council vehicles to employees.¶

Policy¶

The policy is set out in six sections: -¶

1. → Fleet Purchasing¶
2. → Allocation of Vehicles¶
3. → Makes and Models of Vehicles¶
4. → Vehicle Options and Accessories¶
5. → Use Categories¶
6. → Conditions of Use¶

1. Fleet Purchasing¶

The Director Technical and Development Services is responsible for the purchasing and disposal of all vehicles.¶

2. Allocation of Vehicles¶

The Chief Executive Officer (CEO) is responsible for the allocation of a Council vehicle to an employee and the Shire President for the CEO.¶

3. Makes and Models of Vehicles¶

It is recognised that, in order to attract and retain staff, Council should offer vehicles of a particular standard and size. The type of vehicle purchased within this policy shall be at the discretion of the CEO.¶

The overriding requirement is to ensure that the vehicle purchased meets the needs of the position while minimising the total cost of the vehicle to Council.¶

In determining the cost to Council of operating a motor vehicle the purchase price, whole of list costs and resell values must be considered. Whole of life costs remain constant over a model range, while retained value of optioned vehicles is greater than base models. Council shall purchase vehicles considering the operating costs and estimated trade-in values so that over the life of the vehicle it provides the greater return to Council.¶



Where practical and available, preference will be given to vehicles offering additional safety features such as, but not limited to, Airbags, Anti-Skid Breaking System (ABS), Vehicle Stability and Traction Control.

4. Vehicle Options and Accessories

Options or accessories fitted to Council vehicles to improve functionality or safety or to minimise damage to the vehicle, if not fitted as standard, may include, and will be categorised as follows:



Type	Specifications
Standard (All Vehicles)	Air-conditioning, Window Tint, Seat Covers, Headlight & Bonnet Protectors, Dash Mat, Rubber Mats, Cargo Barrier, Fire Extinguisher, Tow Bar, Bull/Roo/Nudge Bar, Spot Lights and Safety Pack if available.
Off Road (All 4WD Vehicles)	Includes Standard + Protector Steps (if not standard), Rubber Cargo Mat, Tyre upgrade, Dual Spare Wheels with additional spare fitted in rear cargo area, Heavy Duty Suspension, Long Range Fuel Tank (if not standard)
Off Road – Heavy (Specialised Vehicles Only)	Includes Off Road + Long Range Fuel Tanks, Dual Battery System, Snorkel, Roof Rack, (Winch, Diff Locks for selected vehicles).

Specialised vehicles, under this policy, are deemed to be those vehicles operating in extreme conditions such as extended remote desert travel, road inspections following heavy rainfall and flooding and exploration i.e. searching for suitable road building materials etc. These vehicles may be allocated to the following positions:

- a) → Director ~~Development and Technical~~ Technical and Development Services
- b) → Manager Technical Services – Rural
- c) → Manager ~~Works and Services~~ Technical Services Nullagine
- d) → Works Supervisor Marble Bar
- e) → Manager Development Services – Health
- f) → Others as considered appropriate upon authorisation of the CEO



Accessories that are not required for operational purposes are not provided. Accessories will be added to the vehicle at the time of purchase, as deemed appropriate for Council's operational requirements. Endeavours will be made to transfer accessories from the trade-in vehicle where it is considered cost-effective and appropriate. No further accessories are permitted to be added following delivery unless authorised by the CEO.

UHF Radios and Satellite Telephones will be fitted as deemed necessary for operational requirements. Portable Satellite Phones and UHF Radios will be available from the Co-Ordinator Information Services as required for operational purposes.

Consideration shall be given to the purchase of hybrid or alternative fuel vehicles where deemed to be suitable for use and with the approval of the CEO.

5. Use Categories

In recognition of the need to provide vehicles best suited to work requirements, together with attracting and retaining competent staff, the following use categories outline the allocation of vehicles to relevant positions:

Position	Use Category
Chief Executive Officer	Private Use (As negotiated with Council)
Directors	Private Use
Managers	Private Use
Supervisors/Coordinators	No Private Use Commuting use or as negotiated in letter of appointment
Mechanics	Restricted Private Use
Rangers and others	Commuting Use

The following information details the Use Categories listed in the previous table.

5.1 → Commuting Use Only

Commuting use permits use of the vehicle between the place of residence and the workplace.

The vehicle is to be available for use by other staff during normal working hours, but not to the detriment of the duties of the assigned staff member.

Use of the vehicle for private use is not permitted unless it is done so in the process of travelling to and from the workplace, for example shopping and sports activities.

The assigned employee and any other driver may be required to maintain a logbook for FBT reporting purposes subject to the direction of the Deputy Chief Executive Officer.

The Shire will meet all operating costs of the vehicle, although instances of blatant misuse may be investigated and costs of repairs etc. recovered from the offending employee.



5.2 → Restricted Private Use¶

Restricted Private Use permits the vehicle to be used within the Shire of East Pilbara. The assigned staff member must be the primary driver of the vehicle at all times unless not capable of doing so, but must be present in the vehicle at all times.¶

Restricted private usage outside the Shire boundaries (within Western Australia) is to be subject to the approval of the relevant Director on a case-by-case basis.¶

The vehicle is to be available for use by other staff during normal working hours, but not to the detriment of the duties of the assigned staff member.¶

The Shire will meet all operating costs of the vehicle except fuel when the vehicle is used for restricted personal purposes outside the Shire boundaries. Instances of blatant misuse may be investigated and costs of repairs etc. recovered from the offending employee.¶

The assigned employee and any other driver may be required to maintain a logbook for FBT reporting purposes subject to the direction of the Deputy Chief Executive Officer.¶

5.3 → Private Use¶

Private use permits the vehicle to be used within the State of Western Australia. The use outside of Western Australia must be approved, in writing, by the CEO. Approval for the CEO will be given by the Shire President. The assigned staff member's spouse or partner is permitted to drive the vehicle if the assigned staff member is present in the car, or as negotiated in the assigned staff member's contract. No other person is permitted to use the vehicle for private use.¶

The vehicle is to be available for use by other staff during normal working hours, but not to the detriment of the duties of the assigned staff member.¶

The Shire will meet all operating costs of the vehicle except fuel when the vehicle is used for personal purposes outside the Shire boundaries. Instances of blatant misuse may be investigated and costs of repairs etc. recovered from the offending employee.¶

The assigned employee and any other driver may be required to maintain a logbook for FBT reporting purposes subject to the direction of the Deputy Chief Executive Officer.¶

6. Conditions of Use¶

The provision of a Council vehicle obliges the respective staff member to accept responsibility for the appropriate care and maintenance of the vehicle.¶

The assigned employee will be responsible for: -¶

- a) → The safe driving of the vehicle in accordance with all relevant driving acts, regulations, and relevant local laws.¶
- b) → The parking of the vehicle outside of normal working hours in a safe and secure manner.¶
- c) → Liaising with the respective staff member (where applicable) or servicing company for the routine maintenance and repair of the vehicle in accordance with the manufacturer's warranty and servicing requirements.¶



- d) → Maintaining the vehicle in clean and tidy state both internally and externally at all times.¶
- e) → Reporting of any accidents/incidents to their respective supervisor and completion of any insurance or reporting forms as directed by the relevant staff member. Each Directorate is then responsible for organising/finalising required repairs and replacement vehicles arising from an insurance claim.¶
- f) → Smoking is not permitted in Council vehicles.¶
- g) → The unlawful consumption of alcohol and/or use of any prohibited substances are strictly prohibited when the Council vehicle is being driven by any person permitted by this Policy to drive that vehicle.¶
- i) → Payment of any fines etc. resulting from an infringement will be the responsibility of the person who is driving the vehicle at the time of the infringement. ¶

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

10.6 LIGHT VEHICLE POLICY

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.2 Foster a great place to work

1.2.3 Plan, attract and maintain staff
Responsible officer: MHR
Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the proposed amendments to the Light Vehicle Policy, specifically being:

- 1. In item 1 – change the title of Director Technical Services to ‘Director Technical and Development Services’.**
- 2. In item 4(a) – change the title of Director Technical Services to ‘Director Technical and Development Services’.**
- 3. In item 4(b) – add a hyphen in between the words ‘Services’ and ‘Rural’.**
- 4. In item 4(c) – change the title of Manager Works and Services Nullagine to ‘Manager Technical Services Nullagine’.**
- 5. In item 5 (Supervisors/Coordinators Use Category) – delete the words ‘No Private Use’ and replace with the words ‘Commuting use or as negotiated in letter of appointment’.**
- 6. In Item 5.3 – following the words ‘The assigned staff member’s spouse or partner is permitted to drive the vehicle’ add the words ‘if the assigned staff member is present in the vehicle, or as negotiated in the assigned staff member’s contract’.**

9.2.9 AMENDMENT TO STAFF USE OF RECREATION FACILITIES POLICY

Attachments:	Staff Use of Recreation Facilities
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Dawn Brown DCEO Directorate Administration Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council's endorsement to amend the Staff Use of Recreation Facilities Policy (Item 2.30 in Policy Manual). Minor amendments are required to clarify the Policy.

BACKGROUND

This Policy that was adopted in September 2003 endeavours to improve and promote a physical and healthy lifestyle of Council employees, therefore improving working conditions reducing stress and increasing productivity.

COMMENTS/OPTIONS/DISCUSSIONS

The specific amendments will be:

1. In item 2 – remove the words 'this program' and replace with the words 'a fitness program'.
 2. In item 2(d) – after the word 'Gymnasiums', add the words 'and fitness centres'.
 3. In the second paragraph of the Note area under item 2– remove the words 'Employees will only be able to purchase adult annual passes for Shire Recreational Facilities and activities).'
 4. In item 3 – after the words '(Full-time and Part-time)' add the words 'and casuals who run 3 or more classes per week'.
 5. Further in item 3 – following the words 'are to be permitted to use the relevant Fitness Centre facilities' add the words 'and group fitness classes'.
 6. Item 3.1 will now read as 'All other casual Aerobics Instructions will receive a 50% reduction on entry into group fitness classes'.
 7. In Item 4 – Remove the words "(Full-time and Part-time)" and replace with the words "(Full-time, Part-time and casuals who work three or more shifts per week)".
-

8. In item 4 – delete the words ‘from Monday to Friday’ at the end of the paragraph.
9. Remove item 4.1 in its entirety.

The current Policy wording with tracked changes which highlight the proposed amendments is attached.



2.30 → Staff Use of Recreation Facilities¶

Minute No: → Item 9.2.3¶

Date: → → 19th September 2003¶

→ → 2nd February 2007¶

→ → 23rd October 2009¶

→ → 14th March 2014¶

Objective¶

To endeavor to improve and promote a physical and healthy lifestyle of Council employees, therefore improving working conditions reducing stress and increasing productivity.¶

Policy¶

1. → All permanent (Full-time and Part-time) Shire of East Pilbara staff can, if they wish, undertake a free initial health assessment (weight and blood pressure etc.) by qualified recreation staff, to determine their level of fitness. An exercise program can then be developed for the employee. Staff members participating in this program are to be reassessed by recreation staff on an annual basis at no cost to the employee.¶

2. → All permanent (Full-time and Part-time) Shire of East Pilbara staff wishing to participate in this a fitness program will be granted use of the Council-managed Recreation and Aquatic Centres within the Shire. Employees are to be entitled to a 50% discount on normal fees and charges that are payable.¶

The areas are:¶

a) → Aquatic Centres owned and managed by Council.¶

b) → Any Court spaces for which a fee is charged (e.g. basketball, badminton, volleyball etc.) plus free equipment hire, if available (racket, ball, etc.). Bookings must be made to facilitate Centre operations. Any reduction in fees and charges relates to the staff member(s) and not the team or competition they are playing in.¶

c) → Council-managed sporting, fitness and healthy lifestyle programs only.¶

d) → Gymnasiums and fitness centres (owned and managed by Council), including further assessments and programs when required.¶

e) → Any other physical or health lifestyle program organised by the Council for permanent Council employees.¶

NOTE:¶

¶



- → This offer does not apply to families or people accompanying an employee. ~~(Employees will only be able to purchase adult annual passes for Shire Recreational Facilities and activities).~~¶
- → All participants are to be issued with a staff membership card and they must show their card to receive benefit.¶
- 3.→ Staff who are employed as accredited Fitness Instructors (Full-time and Part-time ~~and casuals who run 3 or more classes per week~~) are to be permitted to use the relevant Fitness Centre facilities ~~and group fitness classes~~ at no cost to maintain their required level of fitness and competency. This is to be undertaken during the employees' own time.¶
- 3.1 → ~~All other Casual Aerobics Instructors~~ ~~to will~~ receive a 50% ~~reduction on~~ entry into group fitness classes.¶
- 4.→ Staff who are employed in the Aquatic Centre (Full-time ~~and~~ Part-time ~~and casuals who work three or more shifts per week~~) are to be permitted to use the Aquatic Centre facilities at no cost to maintain their required level of fitness and competency. This is to be undertaken during the employees' own time ~~from Monday to Friday~~.¶
- 4.1 → ~~On weekends Aquatic Centre staff, full or part time will receive a 50% reduction on entry fees into the Aquatic Centre.~~¶
- 5.→ Council shall record the cost of all Council employees using the recreation facilities by an internal book entry charging the appropriate cost centre and crediting the appropriate Centre's income accounts. The relevant Centre shall send a monthly statement amount to be transferred from Council's account to that Centre's income account.¶
- 6.→ All staff are to be encouraged to maintain a more active lifestyle, with the provision of bike racks at Shire buildings and literature on various health issues to be made available.¶
- 7.→ Casual employees are not entitled to any discounts at Council Facilities other than those listed above in parts 3.1 and 4.1.¶
- 8.→ That the policy be reviewed at the end of each financial year to determine the cost to Council.¶

¶

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

2.30 STAFF USE OF RECREATION FACILITIES

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.

1.2 Foster a great place to work

1.2.2 Encourage employee health and wellbeing
Responsible officer: MHR
Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the proposed amendments to the Staff Use of Recreation Facilities Policy, specifically being:

- 1. In item 2 – remove the words ‘this program’ and replace with the words ‘a fitness program’.**
- 2. In item 2(d) – after the word ‘Gymnasiums’, add the words ‘and fitness centres’.**
- 3. In the second paragraph of the Note area under item 2– remove the words ‘Employees will only be able to purchase adult annual passes for Shire Recreational Facilities and activities).’**
- 4. In item 3 – after the words ‘(Full-time and Part-time)’ add the words ‘and casuals who run 3 or more classes per week’.**
- 5. Further in item 3 – following the words ‘are to be permitted to use the relevant Fitness Centre facilities’ add the words ‘and group fitness classes’.**
- 6. Item 3.1 will now read as ‘All other casual Aerobics Instructions will receive a 50% reduction on entry into group fitness classes’**
- 7. In Item 4 – Remove the words “(Full-time and Part-time)” and replace with the words “(Full-time, Part-time and casuals who work three or more shifts per week)”.**
- 8. In item 4 – delete the words ‘from Monday to Friday’ at the end of the paragraph.**
- 9. Remove item 4.1 in its entirety.**

9.2.10 CHANGE OF PURPOSE - RESERVE 38510

File Ref: A408521
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

To seek Council support to change the purpose of the Management Order for Reserve 38510, Lot 500 and 501 Calcott Street, Newman from "Recreation" to "Civic, Community and Cultural" purposes, including the power to lease.

BACKGROUND

Council made a joint submission with Puntukurnu Aboriginal Medial Service (PAMS) in February 2012 requesting the development of Reserve 38510 in Newman.

We received notification on the 20th June 2012 from the Department of Lands that a portion of Reserve 38510, now known as Lot 500, had been provisionally approved for sale to the Shire of East Pilbara for \$40,000. As part of the budget process Council resolved to accept this proposal.

Unfortunately there has been little communication with PAMS since the initial proposal and it is now our belief that PAMS has suffered administrative and financial difficulties and are currently in administration.

COMMENTS/OPTIONS/DISCUSSIONS

The development of this reserve is of significant importance to Newman owing to its position and the lack of land in Newman particularly in close proximity to the Town Centre. It is therefore important to re-establish Council's interest in the development of Reserve 38510 (lot 500 and 501) and request the Department of Lands to have the purpose of this reserves changed from Recreation" to "Civic, Community and Cultural" purposes" and for it to remain under the control of Council.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

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.

2.1 Health and recreation

2.1.4 Support individual and community health
Responsible officer: MCW
Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council support changing the purpose of the Management Order on Reserve 38510, Lot 500 and 501 Calcott Street from "Recreation" to "Civic, Community and Cultural" purposes, with the power to lease.

9.2.11 NEW POLICY - POST GRADUATE STUDIES / FURTHER EDUCATION

Attachments: [Policy - Post Graduate Studies.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's endorsement of the new Shire Policy – Post Graduate Studies / Further Education.

BACKGROUND

The purpose of the policy is to assist with staff development. Council proposes to support courses of study that are relevant to the employee's career and are of substantial benefit to the Local Government. All requests for assistance to employees undertaking post graduate studies or further education are to be approved by the Chief Executive Officer prior to the employee embarking upon a course of study.

Studies are to be conducted in the employee's personal time, should employees need to attend at Campus for studies or for examinations, the employee will apply for leave, and all travel or accommodation costs will be the responsibility of the employee.

Financial assistance will be per study unit (no repeat subjects) to the maximum of \$1,200 upon the successful completion of studies undertaken, and upon provision of original receipts. The maximum of \$1,200 is inclusive of HECS fees, purchase of books and other course material.

COMMENTS/OPTIONS/DISCUSSIONS

The policy is as detailed below:

Post Graduate Studies / Further Education

Minute No:

Date:

Objective

To assist with staff development, the Council supports courses of study that are relevant to the employee's career and are of substantial benefit to the Local Government.

Policy

The provision of assistance to employees undertaking post graduate studies or further education.

Authority

The Chief Executive Officer approval is required in this matter.

Type of Assistance

The Chief Executive Officer at his/her discretion may approve associated tuition fees, subject to budgetary constraints.

Procedure

The following procedure is to be implemented for Chief Executive Officer approval:

- Prior to embarking upon a course of study, the employee must ensure that the selected course is approved by the Chief Executive Officer in order to qualify for this assistance.
- Approval is to be obtained by filling the appropriate document, entitled "Application for Post Graduate Studies / Further Education".
- The Manager Human Resources is to confirm a timeframe for the completion of the course with the employee at the time of application.
- The employee is to include a copy of the course outline, costs and other relevant information with their application.

Terms and Conditions

- Studies to be conducted in the employee's own time.
 - In the event of attendance at campus for studies or attendance for examinations, the employee may apply for leave for attendance.
-

- Studies shall not adversely affect the normal operations of the Council or the employee's individual work responsibilities.
- Reimbursement of any costs shall not be granted for repeat subjects.
- The granting of educational assistance is to be on a semester by semester basis and a fresh application must be made at the conclusion of each such period.
- The Chief Executive Officer will consider the Officer's study record to date and their application to their duties at work, before a decision to approve further educational assistance.
- Where employees have to attend examinations at their location of work during their normal hours of duty in relation to the approved course of study, they shall be granted an appropriate amount of leave with pay.

Financial Assistance

- The total amount of financial assistance provided for each unit shall be to the maximum value of \$1,200 upon the successful completion of studies undertaken.
- Reimbursement will only be on provision of original receipts and successful course results.
- The maximum amount of \$1,200 for each unit is inclusive of HECS fees, purchase of books and other course material.
- The fees are not reimbursed for repeat subjects.

Travel and Accommodation

This will be the responsibility of the Employee.

Ceasing Employment

Should an employee voluntarily cease employment with the Shire within twelve months of completing a course of study (or part thereof) and where the Shire has reimbursed fees and paid for travel and accommodation in accordance with this policy, then the employee shall repay the Council such fees in accordance with the following schedule.

If employee ceases within:

- | | | |
|------------------|---|----------------------------|
| • 3 months | - | 100% of costs to be repaid |
| • 4-6 months | - | 75% of costs to be repaid. |
| • 7-9 months | - | 50% of costs to be repaid |
| • 10-12 months | - | 25% of costs to be repaid |
| • Over 12 months | - | Nil |

End of Policy wording

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

2.32 TRAINING

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the new Shire Policy – Post Graduate Studies / Further Education.

9.2.12 AMENDMENT TO THE TRAINING POLICY

Attachments: [Policy - Training-with tracked changes.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's endorsement to amend the Training Policy (Item 2.32 in Policy Manual) to reflect changes required following the endorsement of the new Post Graduate Studies/Further Education Policy.

BACKGROUND

The Training Policy was adopted by Council in June 2003.

COMMENTS/OPTIONS/DISCUSSIONS

The specific amendments will be:

1. Deleting the existing section 2(a) and inserting new section 2(a) to read 'Post Graduate Studies or Further Education assistance may be granted under the Post Graduate Studies/Further Education Policy'.
2. Amend section 3 by deleting '1.5%' and inserting the words 'a minimum of 1%'.
3. Deleting Section 5 and 6 in their entirety.

The current Policy wording with tracked changes which highlight the proposed amendments is attached.



Shire of EAST
Pilbara
AUSTRALIA'S LARGEST SHIRE

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2.32 Training

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To outline a policy to maximise services provided by staff by the provision of training.

Policy

1. Council has a responsibility to organise its labour resources in the most efficient manner possible so as to maximise the services provided in an effective, economic and efficient manner.
2. Council's workforce is its most important resource necessary for the achievement of Council's objectives and the skills of the workforce are of the most fundamental significance.
 - (a) ~~Education (being the acquisition of general tertiary and professional skills and qualifications) is the responsibility of the individual employee. This does not preclude Council from assisting an employee (e.g. study leave) but such assistance extended at the discretion of the Council is not an employee right.~~
 - (a) Post Graduate Studies or Further Education assistance may be granted under the Post Graduate Studies / Further Education policy.
 - (b) Training (being an extension and/or enhancement of skills and knowledge to enable employees to be more effective in their jobs and/or to provide for future progression) is the joint responsibility of Council and the employee.
- 3 Council recognises the need for attention to and investment in staff training and authorises the allocation on each year's draft budget of amounts totalling at least a minimum of 1.5% of the Council's gross payroll towards staff training.
- 4 The Chief Executive Officer is responsible for the management of the funds allocated for staff training in each department and any expenditure may, subject to provision being made in the budget, be endorsed by the Chief Executive Officer without reference to the Council.
- 5 ~~Funds allocated by Council for staff training may be directed towards any "training expenditure" and without limiting the generality of this clause, may include:~~
 - (a) ~~Cost of salaries, registration fees, travelling and accommodation involved in attending training courses and where appropriate seminars or conferences.~~
 - (b) ~~The wages and overheads associated with the employment of training officers and similar appropriate persons for the provision of internal training courses and on the job side-by-side training.~~
 - (c) ~~Purchase of videos, books and other appropriate training aids.~~



Shire of EAST
Pilbara
AUSTRALIAN LARGEST SHIRE

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~~(d) Other appropriate training initiatives at the Chief Executive Officer's discretion.~~

~~6 As a general guide priority will be given to:~~

~~(a) Utilisation of any local courses~~

~~(b) Co-ordination with other local training exercises (e.g. with local businesses and
with government departments).~~

~~(c) In-house training activities.~~

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

2.32 TRAINING

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

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the proposed amendments to the Training Policy, specifically being:

- 1. Deleting existing section 2(a) and inserting new section 2(a) to read 'Post Graduate Studies or Further Education assistance may be granted under the Post Graduate Studies/Further Education policy'.**
- 2. Amend section 3 by deleting '1.5%' and replacing with the words 'a minimum of 1%'.**
- 3. Deleting Sections 5 and 6 in their entirety.**

9.2.13 BHP BILLITON IRON ORE PROJECT SUBMISSIONS 2014-2015

File Ref: FIN-4-3
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

To seek Council endorsement of projects being considered under the BHP Billiton Iron Ore funding assistance programs for the 2014/2015 financial year.

BACKGROUND

BHP Billiton Iron Ore contributes a significant amount of money every year to community projects in Newman. Council receive money under BHP's Community Development Project (CDP) in relation to Council's strategic document "Newman Tomorrow". Recently executive staff met with BHP to discuss possible projects for the 2014/2015 year.

COMMENTS/OPTIONS/DISCUSSIONS

BHP Billiton Iron Ore has indicated in principle their support for the following projects:

GOAL 1 – PEOPLE OF VITALITY

1.5 Provide a range of well-resourced recreation and leisure options

- Jacobs Ladder – Radio Hill x 2 trails
- Further planning for the Fortescue Golf Club precinct
- Subject to adoption of Newman Recreation Plan - Staged implementation of Newman Rec Plan

GOAL 2 – COMMUNITIES OF SUBSTANCE

2.3 Provide relevant and affordable community services

- Subject to adoption of Youth, Family and Children Plan implementation of plan including Provision of Youth Centre

2.4 Ensure well-managed and equitable provision of community infrastructure

- Implement staged street lighting upgrades

GOAL 3 – PLACES OF CONNECTION

3.1 Plan well for the future

- Miners Promise Upgrade

GOAL 4 – ECONOMIES OF STRENGTH

1.4 Implement Economic and Tourism Strategy

- Revisit and review Business Incubator

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 2 – Social – Planned Actions

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

2.1 Health and recreation

FINANCIAL IMPLICATIONS

There is no current impact on resources. Any cost associated with the implementation of projects under this scheme will need to be considered as part of the assessment process.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the following projects being considered under the BHP Billiton Iron Ore funding assistance program CDP for the 2014/2015 financial year:

GOAL 1 – PEOPLE OF VITALITY

1.5 Provide a range of well-resourced recreation and leisure options

- Jacobs Ladder – Radio Hill x 2 trails
- Further planning for the Fortescue Golf Club precinct
- Subject to adoption of Newman Recreation Plan - Staged implementation of Newman Rec Plan

GOAL 2 – COMMUNITIES OF SUBSTANCE

2.3 Provide relevant and affordable community services

- Subject to adoption of Youth, Family and Children Plan implementation of plan including Provision of Youth Centre

2.4 Ensure well-managed and equitable provision of community infrastructure

- Implement staged street lighting upgrades

GOAL 3 – PLACES OF CONNECTION

3.1 Plan well for the future

- Miners Promise Upgrade

GOAL 4 – ECONOMIES OF STRENGTH

1.4 Implement Economic and Tourism Strategy

- Revisit and review Business Incubator

9.2.14 SURRENDER OF LICENCE BY NEWMAN TENNIS CLUB FOR USE OF CLUBROOMS LOCATED AT PAULINE MATAKA NETBALL COURTS - NEWMAN

File Ref: A408521
Attachments: [Newman Tennis Club.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Recreation Services
Location/Address: Lot 995 Thulluna Crescent NEWMAN
Name of Applicant: Newman Tennis Club
Author Disclosure of Interest: Nil

REPORT PURPOSE

To advise Council of the correspondence received from the Newman Tennis Club regarding the surrender of their current licence for use of clubrooms located at the Pauline Mataka Netball Courts.

BACKGROUND

As a result of the recommendations of the Newman Town Centre Revitalisation Plan, the tennis courts located in the Newman CBD were moved to the current netball facility in late 2011. This also caused the relocation of the Newman Tennis Club to this site. In October 2011, the Newman Tennis Club moved into the purpose built clubrooms at the Pauline Mataka Netball Courts.

The Club entered into a 5 year licence agreement with the Shire of East Pilbara for use of these clubrooms on 1/12/2011. This agreement expires on the 30/11/2016.

Prior to this move, the Club had experienced a declining membership base, citing members change of working rosters and lack of community support as the impetus of their declining membership base.

In 2012, the Club received a \$5,000 Community Assistance Grant from the Shire to assist the Club with expenses associated with hosting professional junior tennis coaching session. The coaching sessions did not occur and the grant monies were not expended by the Club.

On the 6th February 2014, Club Treasurer Mr David Kaljuste met informally with Shire staff to advise the likelihood that the Club will be ceasing operations in the very near future.

On the 20th February, Mr Kaljuste requested a formal meeting with all relevant Shire staff to advise that following their recent Annual General Meeting, the Club had officially dissolved.

COMMENTS/OPTIONS/DISCUSSIONS

The Club has requested the Shire consider their request of a waiver of all outstanding monies owed to the Shire by the Club, due to the Club's inability to pay any outstanding invoices.

Currently the club has an outstanding debt of approximately \$2,717.80 which relates to previous months lighting charges and power consumption relating to the clubroom.

The Club has offered to gift the commercial fridge they own as an act of good faith in lieu of their unpaid lighting and power invoices. The fridge is in good condition and its estimated market value is approximately \$2,000 - \$2,500.

Furthermore, Mr Kaljuste advised that once the Club's records have been audited and finalised, every attempt will be made to pay all outstanding creditors, including the Shire as it relates to the \$5,000 grant given to the Club in 2012.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995, Part 6 Financial Management, Division 4, General Financial Provisions

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
- (b) waive or grant concessions in relation to any amount of money;
- or
- (c) write off any amount of money, which is owed to the local government.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Reduction in collection of fees payable of approximately \$2,717.80. An amount of \$10,000 has been budgeted in GL#41177 for any Unpaid Bad/Doubtful Debts.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Write off all outstanding sundry debts listed for the Newman Tennis Club totalling \$2,717.80.**
- 2. Accept the donation of the commercial fridge by the Newman Tennis Club.**

9.2.15 COMMUNITY ASSISTANCE GRANT ROUND 2 (2013/2014)

File Ref:	CSV-9-4-2
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Michoff Manager Community Wellbeing
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Author is a Committee Member of Cats Football and Sporting Club

REPORT PURPOSE

For Council to consider the Community Assistance Grant Applications received for Round Two of the 2013/2014 financial year.

BACKGROUND

Community Assistance Grant applications can be made by clubs and community groups twice per year. Round One (1) opens on the 11st of July and closes on the 31st July and are assessed at the next scheduled Council Meeting. Round Two (2) opens on January 1st and closes on January 31st and are assessed at the next scheduled Council Meeting. Each application is eligible for a grant of up to \$5,000 in cash or in kind.

An application must meet one of the four criteria's as described below:

1. Club/Organisation development e.g. governance and management strategies such as installations of accounting procedures, hiring of consultants to prepare business and succession plans, governance training, grant writing courses.
2. Hosting special events associated with the club/organisation e.g. state championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire
3. Sporting club development e.g. coaching courses, governance training and/or grant writing courses.
4. Beautification of facilities and/or premises e.g. refurbishment and renovations of premises or facilities

An application must also meet the following Terms and Conditions of Funding;

1. Have no outstanding debts (greater than 30 days) with the Shire of East Pilbara.
2. Have no outstanding acquittals from previous Community Assistance Grant applications.
3. Funds must be used for the purpose for which they were approved. Unspent funds are to be returned to the Shire at the conclusion of the activity / programme.

4. Funds must be utilised solely for the provision of benefits to residents within the Shire of East Pilbara.
5. Shire of East Pilbara must be acknowledged during the course of the event and in any publications that arise as a result of the event/activities/ programs.
6. Council grants will need to be at least matched by the organisation through an equivalent financial contribution or in kind support.

COMMENTS/OPTIONS/DISCUSSIONS

This round the Shire of East Pilbara received five (5) applications from community Groups and sporting clubs whom are all based in the East Pilbara. In total three (3) out of the five (5) applicants met the outlined criterion, details are as follows;

Applicant	Criteria Met (Y/N)	Description
Nullagine Community Resource Centre	N	Applicant does not have permission from owner of facility to refurbish.
St John Ambulance Newman	Y	Beautification of facilities and/or premises
Cats Football and Sporting Club	Y	Beautification of facilities and/or premises
Newman Lions Club Inc.	Y	Beautification of facilities and/or premises
Marble Bar Community Resource Centre	N	Project is implementation of a new facility

All applications have been individually assessed to assist the decision making process.

Nullagine Community Resource Centre

Nullagine Community Resource Centre is a not for profit organisation servicing the community of Nullagine. They provide the community with a direct link to human services (Centrelink, Medicare and Child Protection Agencies) and help with community events and projects as required.

Project Name	Nullagine Well		
Amount Requested	\$ 5000	Total Budget	\$ 10 000
Type	Cash		
Funding From other Organisations	No		
Previous CAG funding from SOEP	No		
Description of Project	The community wishes to upgrade the Nullagine Well, situated in the centre of town for historical tourism and community pride purposes		
Target Group of project	Nullagine residents, visiting tourists		
Benefit to East	The project will be run as a volunteer project with the Nullagine		

Pilbara Community	community. The restored well will encourage tourists to stay longer in Nullagine and give the community a sense of pride
Acknowledgement of SOEP	A commemorative plaque will be placed at the site
Other Comments	The project is one of many beautification projects in Nullagine that are currently being considered at community level. Other projects include an Entry Statement, which has funding allocated by the Shire of East Pilbara; revegetation of the Marble Bar Rd, east of Skull Springs Road and tree planting through the River crossing. All projects are associated with either Shire of East Pilbara or Main Roads lands and would require consultation and respective permission to commence. Life cycle costs, such as maintenance have not been considered in the planning. A plan which incorporated all project ideas, considered technical aspects and life cycle costing's and was embedded in thorough community and stakeholder consultation would greatly increase the opportunity to attract funding.

St John Ambulance Newman

Since 1974 St John Ambulance Newman has provided a much needed and appreciated service to Newman and surrounding areas. Whether responding to emergencies, teaching first aid, training volunteers or attending community events St John continues to be a progressive and reliable service run by the community, for the community.

Project Name	Refurbishment/Upgrade to Kitchen and Training Room		
Amount Requested	\$ 3697	Total Budget	\$ 7797
		Type	Cash
Funding From other Organisations	No		
Previous CAG funding from SOEP	Yes \$104 August 2013 – Oval Lighting - training		
Description of Project	St John Ambulance Newman would like assistance from the Shire of East Pilbara for the refurbishment of the training room and kitchen at the Newman St John Ambulance centre. The grant covers a new Smart TV for the training room to replace an old data projector and a dishwasher and oven for the Kitchen.		
Target Group of project	St John Volunteers and officers and community members accessing St John training		
Benefit to East Pilbara Community	The training room upgrade will modernise training for up to 1000 participants yearly. The facilities are used by community members attending First Aid Training and volunteer Ambulance Officers on shift.		
Acknowledgement of SOEP	A plaque will be positioned in the training room and an article will be placed in local media		

Cats Football and Sporting Club

Established in 1972 Cats Football Club is now a Sporting Club with 1 senior football team, 1 Under 17 football team, 2 senior netball teams and 1 senior cricket team. The club also hosts BHP Functions and meetings along with several other companies. The club caters for community events and out of town sleep overs for junior sporting clubs.

Project Name	Plumbing, Toilets and Air Conditioning Repair		
Amount Requested	\$ 5000	Total Budget	\$ 10 570.37
		Type	Cash
Funding From other Organisations	No		
Previous CAG funding from SOEP	Yes, \$5000 in 2010/2011- Acquitted		
Description of Project	Replace and repair plumbing, including toilets and showers, installed 1972. Install new Air-Conditioner to clubroom		
Target Group of project	Junior Football, Netball, Cricket and Football teams, as well as club members and general public. Local businesses and groups		
Benefit to East Pilbara Community	Club hosts regular community functions, club celebrations, business functions and meetings. All members and guests will be more comfortable using updated facility. Less water will be wasted.		
Acknowledgement of SOEP	Verbal acknowledgment on Newman Radio Football Show weekly for 2014 season, Signage erected at club.		

Newman Lions Club Inc.

The Newman Lions Club has conducted fundraising activities for the township of Newman for over 40 years. The Lions Club also facilitate the Fortescue Festival weekend including the Ball and the Festival. Funds raised are put back into the community in the way of time, help and donations.

Project Name	Beautification of Animal Park		
Amount Requested	\$ 5000	Total Budget	\$ 10 500
		Type	Cash
Funding From other Organisations	No		
Previous CAG funding from SOEP	No		
Description of Project	Newman Lions Club Inc. has a three stage plan to beautify the Lions Animal Park. The first stage is to erect a community barbeque space for families to utilise. The following stages include lighting the trees for outdoor use.		

Target Group of project	Families and residents of Newman will be able to enjoy the free facility.
Benefit to East Pilbara Community	The barbeque area will provide a community space that can be utilised for social functions and gatherings.
Acknowledgement of SOEP	Large Signage on Barbeque "Proudly Donated by the Shire of East Pilbara"

Marble Bar Community Resource Centre

The Marble Bar Community Resource Centre was established since 2001 to provide up to date information and services to the local community and passing visitors. The CRC provides personal business services, such as computers, internet, printing and videoconferencing. The service is also an agent to government human services (Centrelink, Medicare) and produces the Mirage newsletter for the towns of Nullagine and Marble Bar

Project Name	Marble Bar Community Resource Centre Training and Conference Room		
Amount Requested	\$ 5000	Total Budget	\$ 129 867.57
		Type	Cash
Funding From other Organisations	Yes, Lotterywest \$95 000		
Previous CAG funding from SOEP	Yes \$274.10 in 2009/2010		
Description of Project	The project is to purchase and install a transportable which will become a permanent training and conference facility. The funds will be used for site works.		
Target Group of project	Local businesses, visiting businesses and local residents wishing to access training/meeting/conference facilities		
Benefit to East Pilbara Community	Marble Bar residents and businesses will be able to access a modern facility for training and development purposes.		
Acknowledgement of SOEP	A plaque or similar acknowledging sponsorship will be placed on the wall of the building. Article in Mirage and Northwest Telegraph, Letter of Thanks and invitation to opening.		
Other Comments	Marble Bar Community Resource Centre won the Premiers Active Citizens Award -East Pilbara Community Group of the year (Marble Bar)award on Australia Day 2014 for their outstanding services to the community. For this application the category selected was Beautification/refurbishment of premises. Despite the application not technically meeting the Criteria, due to it being a new		

	<p>building, it will ensure that they are able to use their existing building to its full capacity. In turn the Marble Bar Community Resource Centre will be able to improve and extend the already outstanding suite of quality services they provide to the community of Marble Bar.</p> <p>The request is for In-Kind or Cash to take into account the current work load of the Marble Bar Depot crew. The applicant's preference is to use in kind service of the Marble Bar Depot, however contractors may need to be used to meet delivery timeframes.</p>
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STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.3.1 Develop and implement community pride projects
Responsible officer: MCW
Timing: 1 year

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

2.4 Diverse and inclusive communities

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

- 2.4.2 Build strong community groups, networks and governance
Responsible officer: MCW
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation from GL# 81014

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Reject the Community Assistance Grant Application for Nullagine Community Resource Centre and invite the Nullagine Community Resource Centre into conversation with the Council about the future development of the Nullagine Well and Nullagine beautifications.**
- 2. Approve a Community Assistance Grant of \$3,697 cash contribution to St John Ambulance Newman to assist with refurbishment/upgrade to Kitchen and Training Room.**
- 3. Approve a Community Assistance Grant of \$5000 cash contribution to Cats Football and Sporting Club to assist with Plumbing, Toilets and Air-Conditioning repairs.**
- 4. Approve a Community Assistance Grant of \$5000 cash contribution to the beautification of the Animal Park.**
- 5. Approve a Community Assistance Grant of \$5000 in-kind or cash contribution to the Marble Bar Community Resource Centre Training and Conference Room.**

9.2.16 NULLAGINE COMMUNITY CENTRE / HUB

File Ref: STR-4-2
Attachments: [Community Centre Business Case doc](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the development of a business plan for the development of the Nullagine Community Centre / Hub.

BACKGROUND

Currently strategic documents concerning Nullagine include –

- Nullagine ProspectUS – developed by the Shire of East Pilbara
- Plan for the Future of Nullagine – compiled by the Community Management Group and the Residents of Nullagine
- Youth and Family & Children's Services Nullagine (Draft) – developed by the Shire of East Pilbara

All these documents highlight the possible need for a Multi-Purpose Centre at Nullagine. This has also been referred to in State documentation with particular reference to the need for an evacuation centre.

COMMENTS/OPTIONS/DISCUSSIONS

In order to progress the development of a business plan as is necessary under the Local Government act 1995 Section 3.59, staff have developed a Business Case for Council to consider. A business case gives Council an opportunity to assess whether they wish to develop any project further before spending considerable money on the development of a Business Plan. The business case provides the following information:

1. Executive Summary
2. Overview of the project
3. Needs analysis
4. Consultation
5. Policy and Strategic Framework
6. Financial Benefits Analysis
7. Due Diligence Assessment
8. Risk Assessment

9. Governance, Management and Legal
10. Timelines, reporting and recommendations

The development of a Business Plan must contain the following as per the Local Government Act 1995.

3.59. Commercial enterprises by local governments

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
 - (a) *its expected effect on the provision of facilities and services by the local government; and*
 - (b) *its expected effect on other persons providing facilities and services in the district; and*
 - (c) *its expected financial effect on the local government; and*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*

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

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

- 2.4 Diverse and inclusive communities
 - 2.4.1 Promote diverse, harmonious and caring communities
Responsible officer: MCW
Timing: 1-3 years
 - 2.4.2 Build strong community groups, networks and governance
Responsible officer: MCW
Timing: 1-5 years

2.4.3 Provide relevant and affordable community services
Responsible officer: MCW
Timing: 1-5 years

2.4.4 Equity and opportunities for all
Responsible officer: MCW
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation..
Account number 41147 budget \$180,000
Balance as at 28/02/14, \$60,000.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. **Endorse the development of a business plan for the development of the Nullagine Community Centre / Hub.**
2. **Endorse the Request for Quote procedure be undertaken as per the Purchasing and Tender Procedures Policy – Consultants Services.**

**9.2.17 CONSULTANCY SERVICES FOR THE IMPLEMENTATION OF THE
ECONOMIC DEVELOPMENT AND TOURISM STRATEGY - TENDER RFT
19-2013/2014**

File Ref: LEG-13-3-19
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the Recommended Tenderer, Noelker Consulting Pty Ltd to provide consultancy services for the implementation of the Economic Development and Tourism Strategy.

BACKGROUND

At the Council meeting held 7th December, 2012, council resolved to award Tender RFT 03-2012/2013 (Prepare and Implement the Economic Development and Tourism Strategy) to Neil Noelker Consulting Pty Ltd. The Contract for consultancy services was for the period of three years.

On the 13th December, 2013 the Contract with Neil Noelker Consulting Pty Ltd was repudiated following legal advice, due to company changes.

The Shire of East Pilbara retendered the consultancy services for the implementation of the Economic Development and Tourism Strategy, under Request for Tender RFT 19-2013/2014.

COMMENTS/OPTIONS/DISCUSSIONS

The tender was advertised in the West Australian newspaper on Saturday, 1st February, 2014. The tender was also advertised on the Shire's website. Closing date for the tender was 10:30am on the 18th February, 2014.

At close of tender six (6) tender submissions were received as follows:

- 1) Economic Transitions
- 2) Kirkgate
- 3) Macro Plan Dimasi
- 4) Marketing 35 Degrees
- 5) Noelker Consulting
- 6) Shane Collie

Two additional tender submissions were received later than the closing date for this tender and as per the Tender Conditions – these tender submissions were not included in the evaluation process.

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

Ability and Experience	Weighting 40%
Capacity and Personnel	Weighting 20%
Performance	Weighting 40%

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

The results of the tender assessment indicate that Noelker Consulting Pty Ltd is the most advantageous tender to Council.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

- 3.4.2 Plan well for the future development of the Shire
Responsible officer: CEO
Timing: 1-5 years
- 3.3.3 Provide infrastructure to support economic development
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.

- 3.1.2 Build a thriving and diverse economy
Responsible officer: DCEO
Timing: 1-5 years
- 3.1.3 Encourage tourism
Responsible officer: DCEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation GL#131267 \$150,000 total budget, \$120,000 remaining.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council award Tender 19-2013/2014 Consultancy Services for the Implementation of the Economic Development and Tourism Strategy to Noelker Consulting Pty Ltd for the following rates - \$156.25 per hour onsite (\$1,250 per day), \$143.75 per hour remote (\$1,150 per day), and administration assistance at \$35 per hour (\$280 per day).

**9.2.18 TENDER RFT 18-2013/2014 SUPPLY AND INSTALLATION OF
BOOMERANG OVAL PLAYGROUND AND DOG AGILITY PARK**

File Ref: LEG-13-3-18
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the Recommended Tenderer, Landscaping WA Pty Ltd to supply and install the Boomerang Oval Playground and Dog Agility Park equipment, furniture and landscaping.

BACKGROUND

This project was originally tendered on the 19th October, 2013 under delegated authority to the Chief Executive Officer – RFT 03-2013/2014. At the Council meeting held 6th December, 2013 Council made a resolution to reject all tender submissions received in relation to RFT 03-2013/2014 due to all submissions for this tender coming in over budget, and endorsed the reduction of scope of works for the project and retender of the works. (Resolution 201314/152).

COMMENTS/OPTIONS/DISCUSSIONS

The scope of works was reduced and the project was retendered under RFT 18-2013/2014.

This tender was advertised in the West Australian newspaper on Saturday 1st February, 2014. The tender was also advertised on the Shire's website. Closing date for the tender was 10:30am on the 17th February, 2014.

At close of tender five (5) tender submissions were received as follows:

- 1) BCL Building Civil & Landscapes Pty Ltd
- 2) Environmental Industries
- 3) Total Eden t/a DME Contractors
- 4) Landscaping WA Pty Ltd
- 5) Landscaping WA Pty Ltd (Alternative Tender)

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

Pricing	Weighting 50%
Relevant Experience	Weighting 20%

Key Personnel and Experience	Weighting 10%
Tenderer's Resources	Weighting 10%
Demonstrated Understanding	Weighting 10%

The results of the tender assessment indicate that alternative tender submission from Landscaping WA Pty Ltd is the most advantageous to the Council.

The alternative tender submission would be recommended as the preferred submission, however the suggested wintergreen turf option would not be included, and as per the specifications of the tender, kikuyu turf will remain as the option to be installed.

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 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.3 Implement civic engagement projects

Responsible officer: MCW

Timing: 1-3 years

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation GL#119077 - \$915,000 and GL#129315 - \$300,000 remaining.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council award tender RFT 18-2013/2014 (alternative tender) Supply and install the Boomerang Oval Playground and Dog Agility Park equipment, furniture and landscaping, to Landscaping WA Pty Ltd for the price of \$1,029,248.14 ex GST.

9.2.19 CREDITORS FOR PAYMENT

File Ref: FIN-10-2

Attachments: [Schedule of Accounts EFT.pdf](#)
[Schedule of Accounts Cheque.pdf](#)
[Schedule of Accounts Written Cheq.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 31st January 2014.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT22504-EFT22935	3,278,866.87
	Total	\$3,278,866.87
Cheque Payments	22613-22668	121,056.91
Written Chq Payments	131-138	16,719.98
	Total	\$137,776.89
	GRAND TOTAL	<u>\$3,416,643.76</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

133

CANCELLED CHEQUES & EFTS

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 \$3,416,643.76

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT22504-EFT22935	3,278,866.87
	Total	\$3,278,866.87
Cheque Payments	22613-22668	121,056.91
Written Chq Payments	131-138	16,719.98
	Total	\$137,776.89
	GRAND TOTAL	\$3,416,643.76

**9.2.20 MARBLE BAR RESERVE 2906 – CONSIDERATION OF GAUGING
CABLEWAY (FLYING FOX)**

File Ref: RESERVE 2906
Attachments: [Coongan River Cableway Attachments x 9](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Glenn Britton
Manager Building Assets
Location/Address: MARBLE BAR - RESERVE 2906
Name of Applicant: Department of Water
Author Disclosure of Interest: Nil

REPORT PURPOSE

To advise Council of the amended terms and conditions of accepting the Department of Water asset; known as the Coongan River Cableway (Flying Fox) and not accepting transfer of ownership.

BACKGROUND

Water and Rivers Commission (now the Department of Water) own a disused River Gauging Station infrastructure asset, which was constructed in 1966 and located on a Shire Reserve some 5 kilometres south west of Marble Bar townsite on the Coongan River.

The Cableway is made up of three components: two towers from which the cable is suspended, the cable and the cable car. Department of Water suggest that historically all cable cars in the Pilbara were removed during the 1980's for risk management and on request from a Marble Bar resident to include the cable car in a proposed Marble Bar museum, a redundant cable car was provided and eventually placed at the Shire Depot for storage.

In 2002 correspondence was received that the infrastructure was to be removed unless Council was interested in taking responsibility for the asset.

The matter was referred to the Marble Bar Tourist Association to see if they wished to take on the responsibility of the Cableway. The Association investigated the matter and advised that they were not able to take on this responsibility.

Following a Council discussion in April 2003, an investigation of the cableway was undertaken to ascertain if it should be retained as a tourist attraction. The inspection revealed that:

- With the expected increase in tourism to Marble Bar due to the sealing of the road between Marble Bar and Port Hedland, resulting in greater access into town, it is felt that the cableway will be a valuable asset to tourism in the area.

- The structure is in good condition, would require a very small amount of maintenance over the next few years and would be a worthwhile tourist attraction; and
- Minor works would need to be undertaken to improve the site and attract more visitors. Works would include fencing to prevent access to cable itself, removal of the cableway access gantry and installation of an information sign.

On 23 May 2003 Council resolved THAT:

- 1) Council write to the Waters and Rivers Commission expressing a desire for the Cableway to remain in place and advising them that the Shire of East Pilbara will take responsibility of the site in future; and***
- 2) Council commit to an amount of \$5,000 to be placed in the 2003-04 budget under Parks and Reserves account for the upgrading of the site.***
- 3) The site be placed on the World Aeronautical Charts (WAC).***

Subsequent to the resolution, in 2007 “Waters and Rivers Commission” made a commitment to upgrade the Cableway prior to the Shire accepting the asset.

The proposed works included:

- Repainting A-Frame Towers;
- Replacing A-Frame platform on the north bank;
- Removing A-Frame platform on the south bank;
- Refurbishing the aluminium cablecar (then held at Marble Bar Shire Depot);
- Reinstalling the cablecar on the cable and locking in position;
- Installation of fence around the northern A-Frame;
- Upgrade of existing shelters and erection of information board;
- Upgrade sign on Marble Bar - Hillside Road; and
- Arrange for legal transfer of the asset to the Shire of East Pilbara.

In December 2012, the Department of Water advised that they can no longer justify the commitment to the refurbishment of the Cableway. They did however add that a reduced contribution may be appropriate and requested the Shire to provide an estimate of cost of refurbishment works.

Also in December 2012, in a letter from the Marble Bar Tourist Association acknowledged that the Coongan River Cableway has “*no Heritage or Historical significance in the area*”, but added “*that the site does attract many curious visitors and any assistance that will help promote tourism, would be appreciated by the community of Marble Bar and increase the economics of this East Pilbara region*”.

Through 2013, the Department of Water informed that they could no longer maintain their commitment to contribute to refurbish the Cableway and forwarded a copy of a “Deed of Transfer and Release” that detailed terms of agreement.

Principle terms of agreement are:

Sect 2 Transfer the ownership of the Cableway Asset;

- Sect 3 Shire to accept all risk;
Sect 4 To accept the asset in an “as is” condition and no warrantee to the condition, use and function;
Sect 5.1 The Shire to indemnify and keep indemnified against any loss or damage (before and after the transfer date);
Sect 5.2 The Shire releases Department of Water from any actions or lawsuits that the Department of Water currently has, might have had or may have after the date of transfer;
Sect 6 Each party responsible for their own legal and document costs;

The agreement does not contain a reference to a commitment towards contributions discussed in the Water and Rivers correspondence of 2007.

The Department of Water has:

- Confirmed that their preferred action (should Council not accept the Cableway) is to decommission and remove the Cableway from the site; and
- Have declined to amend the agreement to terms more acceptable to the Shire.

The Shire feels that the proposed conditions are not acceptable.

COMMENTS/OPTIONS/DISCUSSIONS

At the time of the previous Council resolution, the Cableway was in a good condition. Through time, the condition has declined to its current poor state of repairs and a recent quote for this work is currently estimated at \$50,000 including GST. Furthermore, most of the proposed work to the Cableway represents making the Cableway safe as a tourist attraction and the Shire would need to consider what should be done to minimise the risk of injury to Tourists that have been encouraged into the locality through signage and promoting tourism.

The previous Council resolution did not include a “Deed of Transfer and Release” document to consider full terms of agreement to accept ownership, maintenance, risk and public liability costs where the Shire must also accept:

- Significant costs of repair; and
- An indemnity to keep indemnified against any loss or damage, before and after the Transfer date.

The Shire has discussed the matter with insurers LGIS whose legal representative Paul McBride commented:

I have reviewed the Deed of Transfer and Release between Water Resources Ministerial Body (WRMB) and the Shire of East Pilbara prepared by the SSO in respect to Marble Bar Cableway.

I understand from Ian (LGIS) that there is no plan to have the Cableway operational in order to convey Cable Cars; the extent of use being limited to a visual tourist attraction. I further understand that the infrastructure will, upon transfer, not perform any other function other than the aforementioned tourist attraction.

The relevant clauses in the Deed of Transfer and Release are to be found in Clauses 3, 4 and 5. These clauses essentially transfer all conceivable risk to Shire upon execution of the Deed and provide a blanket immunity to the WRMB.

Ultimately the terms and conditions of the Deed are a matter for the Shire to commercially negotiate with the WRMB. It may be that the Shire seek to re-negotiate

the terms of Clause 4.2(b) so that there is some sort of warranty as to condition (I suspect this may be difficult to obtain from the WRMB).

Failing that, the Shire will need to take the infrastructure, and associated risks, as it finds it.

As it stands the indemnity clause 5 is firmly in favor of WRMB, as would be expected in this type of situation. Also note, that clause 5.3 acts as a complete bar to any action as between the parties. This means that the Shire would have not remedy against, or as between, itself and the WRMB.

I suggest that the Shire either (1) seek to renegotiate the Deed and Transfer terms (there would undoubtedly be a cost to the WRMB in decommissioning the infrastructure so this may help leverage so funds from the WRMB in respect to any maintenance work required); (2) accept the Deed on its present terms; (3) withdraw from the Deed.

In any case I think the Shire would benefit from a proper risk assessment of the infrastructure as the asset may represent a high risk.

LGIS has undertaken an insurance risk assessment and found that:

- High Risk – Vehicular Access
- High Risk – Pedestrian Access
- High Risk – Infrastructure (Cable) protection
- Medium Risk - Infrastructure (Structure) protection
- High Risk – Aircraft risk

From those risks they have recommended a number of treatment options to reduce risk:

- Vehicular Access warning signage
- Pedestrian Access warning signage
- Not reattaching the Cablecar to the cable
- Removal of Cables, removal of ladder and removal or replacement of timber deck
- Infrastructure warning signage
- Infrastructure Fencing
- Documentation of aircraft warning
- Installation of aircraft warning
- Cable structural assessment for supporting the cable car
- Regular cable car maintenance
- Regular (annual) structural assessment

Several of these items are not included in the \$50,000 cost previously mentioned and there would be additional annual maintenance costs associated with this proposed acquisition. The Shire also has (budgeted) plans for the improvement of structures within the lookout carpark.

Should Council not accept the transfer of the Cableway, the Department of Water will be required to fund decommissioning and removal of the asset from the property.

Should Council wish to accept the transfer of the Cableway, Council could consider formally requesting the Department of Water to amend the following Deed terms:

- A contribution towards the refurbishment costs of the Cableway in lieu of Department of Water costs foregone for the removal of the infrastructure; and
- The Shire to indemnify only after the transfer date.

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.

3.3 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 outside existing budgetary allocation and if accepted will need to be considered at next year's budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council;

- 1. NOT ACCEPT the amended terms and conditions within the “Deed of Transfer and Release” for transferring the Department of Water asset; known as the Coongan River Cableway (Flying Fox);**
- 2. Continue to work with the Department of Water to ensure a satisfactory transfer of ownership;**
- 3. The CEO be authorised to finalise the arrangement.**

**9.2.21 APPROVAL OF NEW EXPENDITURE NOT PREVIOUSLY ALLOWED FOR
IN BUDGET**

File Ref: FIN-23-10
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Proposed Meeting Date: 14 March 2014
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to approve expenditure on the Community Safety Identification Study not previously allowed for in the budget.

BACKGROUND

BHP Billiton advised the Shire that funding was available under their Community Safety scheme for the development of a Plan that would help with the implementation of the Community Safety and Crime Prevention Plan.

COMMENTS/OPTIONS/DISCUSSIONS

Council developed a Community Safety and Crime Prevention Plan 2013. This plan was accepted by Council on the 27th September 2013.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/97

MOVED: Cr Stephen Kiernan

SECONDED: Cr Craig Hoyer

THAT Council

- (1) Endorse the updated Community Safety and Crime Prevention Plan 2014-2016;**
- (2) Endorse the proposed funding offer by BHP Billiton of \$50,000 to produce an implementation plan based on the Community Safety and Crime Prevention Plan.**

CARRIED

RECORD OF VOTE: 8 - 0

To be actioned by Ms Keesha Booth, Coordinator Community Services

The contract with BHP Billiton has been signed and executed.

STATUTORY IMPLICATIONS/REQUIREMENTS

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) is authorised in advance by resolution*; or*
 - (c) is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

There are no current resources allocated however the matching funding from BHP Billiton Iron Ore will mean there will be no implications to the Council budget.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve expenditure on the Community Safety Identification Study not previously allowed for in the budget.

**9.2.22 AFFIXING COMMON SEAL TO THE COMMUNITY DEVELOPMENT
PROJECT CONTRACT - BHPBIO FUNDING FOR COMMUNITY SAFETY
IDENTIFICATION STUDY**

File Ref: FIN-4-3
Attachments: [BHPBIO funding Community Safety](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Proposed Meeting Date: 14 March 2014
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 BHP Billiton Community Development Project Contract for the Community Safety Identification Study.

BACKGROUND

At the Council meeting held on the 27th September, 2013 Council resolved (Resolution 201314/97) "to endorse the proposed funding offer by BHP Billiton of \$50,000 to produce an implementation plan based on the Community Safety and Crime Prevention Plan".

COMMENTS/OPTIONS/DISCUSSIONS

The funding amount is for the amount of \$41,057.

The study will review current community safety improvement requirements to best address and directly improve personal community safety in Newman resulting in recommended suitable investment options.

The outcomes of the study will align with the Shire of East Pilbara's current (2014-2016) Strategic Safety and Crime Prevention Plan key principals and projects for the Newman community specifically.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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) _____

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 *Promote diverse, harmonious and caring communities*

Responsible officer: MCW

Timing: 1-3 years

2.4.2 *Build strong community groups, networks and governance*

Responsible officer: MCW

Timing: 1-5 years

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the affixing of the Common Seal to the BHP Billiton Community Development Project Contract for the Community Safety Identification Study.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

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

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

REPORT PURPOSE

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

BACKGROUND

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

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 January 2014 be received.

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

14 MARCH, 2014

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Officers to allocate resources to develop themes and seek funding	In Progress
26 July 2013	13.1	SOLAR LIGHTS WALKWAY FROM MINESITE TO TOURIST CENTRE Cr Shane Carter asked if it was possible to get solar lights for the walk/cycle path from Minesite entrance to Newman Tourist Centre. Mr Allen Cooper replied Council will need to seek funding as the solar lights around radio hill cycle/walkway were funded through the Country Local Government Fund.	DTDS	Some issues have arisen about company supplying lights and officers are currently investigating further.	In Progress
31 January 2014	13.7	NEWMAN CEMETERY ROAD Cr Doug Stead stated that the road that leads into the cemetery needs repairs due to the rain, access is difficult due to the many pot holes and flooding. Mr Rick Miller, Director Technical and Development Services to follow up.	DTDS	Works request raised to repair and seal intersection	In Progress
31 January 2014	13.10	DANIELS DRIVE Cr Lynne Craigie asked about the street lighting in Daniels Drive as lot of lights are not working. Mr Rick Miller, Director Technical and Development Services to follow up.	DTDS	Lights will be inspected and fault reported to BHP Power	In Progress

**9.3.2 APPLICATION TO KEEP MORE THAN TWO DOGS AT 36 GANDAWARRA
CRESENT, NEWMAN WA 6753**

File Ref: RNG 1-3
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Geoff Smith
Shire Ranger
Location/Address: 36 Gandawarra Cres, Newman WA 6753
Name of Applicant: Jason Harvey
Author Disclosure of Interest: Nil

REPORT PURPOSE

The applicant Mr Jason Harvey seeks approval to keep three dogs at 36 Gandawarra Crescent, Newman, WA 6753.

BACKGROUND

Mr Jason Harvey has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs on the premises at 36 Gandawarra Crescent, Newman, WA. 6753.

In the application two of the dogs are registered to Camille Symonds of the same address, namely "Brie" a female Kelpie Cross Registration R3925 and "Mac" a male Staffordshire Terrier Cross, Registration R3951. The third dog forming part of this application is a blue American Staffy.

Rangers undertook normal enquiries to determine if the application was appropriate.

The details of the dogs are as follows:

	DOG (breed)	SEX	COLOUR	REGISTRATION NUMBER	STERILISED Y/N
1.	Kelpie Cross	Female	Black & Tan	R3952	Yes
2.	Staffordshire Terrier Cross	Male	Black	R3951	Yes
3.	American Staffy	Male	Blue	TBA	No

COMMENTS/OPTIONS/DISCUSSIONS

Reasons for keeping more than two Dogs:

In his application Mr Harvey states that he would like "the dog as a Family Pet".

As part of the application process seven surrounding residents were issued with Residential Survey forms under the Dog Act (1976), one was returned in the negative.

Public Notices were placed under the Dog Act (1976) with no response.

The original two dogs are registered, the Kelpie Cross since June 2012 and the Staffordshire Terrier Cross since June 2012.

Dog History:

No history on the dogs is apparent on the Shire of East Pilbara registration database and no complaints have previously been received in relation to the dogs.

Complaints: One Residential

Property Inspection:

A full inspection was carried out by Council Rangers of the premises on 24th January 2014. The fencing and gating of the premises was found to be satisfactory. The dogs were inspected and found to be in good health and compliant with the Dog Act 1976.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 (as amended), - Section 26. Limitation as to numbers; is applicable

S26 (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
- (c) may be revoked or varied at any time.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the application to keep three (3) dogs at 36 Gandawarra Crescent. Newman. WA. 6753, subject to the following standard conditions:

- 1. All Dogs are to be registered with the Shire of East Pilbara at all times**
- 2. Only those dogs specified in the application may be kept at the nominated address.**
- 3. Fencing must be maintained such that all dogs are confined upon the premises at all times, unless in the company of a responsible person and in compliance with the provisions of the Dog Act 1976 (As Amended).**
- 4. Any contravention of the Dog Act 1976 (As Amended) is reason for immediate, "on the spot", revocation of this permission.**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this approval.**

**9.3.3 APPLICATION OF SHIRE SEAL - SECTION 70A NOTIFICATIONS FOR
LANDCORP EAST NEWMAN RESIDENTIAL STAGE 2A AND INDUSTRIAL
3A**

File Ref:	PLN-8-3-5 & PLN-8-3-6
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:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To advise Council that the Shire Seal was applied to new Section 70A Notification(s) as required under the Transfer of Land Act 1893 and conditions of subdivision approval for East Newman Residential stage 2A and Newman Industrial stage 3A.

BACKGROUND

The Western Australian Planning Commission (WAPC) granted conditional approval for stage 2A of the East Newman residential development on 6 February 2013. Since then, construction of the lots has been significantly progressed and practical completion is expected in May 2014. Included as a condition of approval was the requirement to prepare and implement Noise Mitigation Plan due to the proposed development being adjacent to the Great Northern Highway road reserve. The main purpose of the mitigation plan is to identify those lots that would be directly impacted by noise and to develop strategies by way of building design to reduce the impacts of noise.

Further and additional to the condition requiring the preparation of the mitigation plan, it is also a condition of approval that a notification under Section 70A of the Transfer of Land Act 1893 be placed on the certificates of title for those new lots identified in the mitigation plan as being directly affected. Consequently, Landcorp have prepared the mitigation plan which has been endorsed by the Shire's Development section resulting in the 70A notification being submitted for the endorsement of the Shire President and CEO. Signing and sealing of the document was undertaken accordingly. The 70A notification advises the purchasers of the impacted lot(s) that the lot(s) are in the vicinity of a transport corridor and are or may in the future be impacted by noise. As an additional measure at the request of the Shire, Landcorp have also prepared design guidelines to assist in buildings being designed to mitigate the impacts of transport noise.

Similar to the above development, Stage 3A of the Landcorp industrial development was granted conditional approval by the WAPC in July 2013 of which there was a condition requiring a 70A notification being placed on titles advising of no reticulated sewerage service. This is consistent with the previous stages of the Industrial area.

It is expected that the Industrial development would also be in a state of practical completion in May 2014 therefore requiring the endorsement of the 70A notification to enable the application of titles to be lodged.

COMMENTS/OPTIONS/DISCUSSIONS

The use of 70A notifications is a common practice with respect to land subdivisions and ensures that purchasers are advised upfront on the restrictions of use/enjoyment of the subject lot(s). With regards to the developments the subject of the submitted 70A notifications, both are compliant with the requirements of the WAPC approval and were subsequently submitted to the Shire President and CEO for endorsement.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 70A of the Transfer of Land Act 1893 (as amended) requires that where factors affect the use and enjoyment of land, that prospective purchasers need to be made aware of such factors.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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

3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land

Responsible officer: CEO

Timing: 1-5 years

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. Acknowledges the use of the Shire Seal in the endorsement of two (2) 70A Notifications pursuant to Section 70A of the Transfer of Land Act 1893 in relation to Stage 3A of the Landcorp Industrial development; and**
- 2. Acknowledges the use of the Shire Seal in the endorsement of a 70A Notification pursuant to Section 70A of the Transfer of Land Act 1893 in relation to Stage 2A of the Landcorp East Newman residential development.**

9.3.4 NEWMAN TOWNSITE GROWTH PLAN - PROPOSED ALTERNATIVE DIRECTION

File Ref:	PLN-3-1
Attachments:	<u>Newman Expansion Project</u>
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:	Landcorp
Author Disclosure of Interest:	Nil

REPORT PURPOSE

Council has been requested by Landcorp to indicate their level of support to proposed alternative direction(s) for the Newman townsite growth plan.

BACKGROUND

Council is well familiar with the Newman Revitalisation Plan that aims to transform Newman into a desirable and liveable Pilbara community by encouraging population growth through the delivery of more industrial, commercial and residential land opportunities in addition to upgrading the town centre and services generally.

Incorporated into the Revitalisation Plan is the Newman townsite growth plan which presently indicates that areas to the north of existing Newman residential would be developed for residential purposes. Additionally, it is also indicated that the area referred to as the "Cowra precinct", which incorporates the Shire's Lions Park Reserve amongst others, would be an extension of the East Newman Residential development. Accordingly, Landcorp in conjunction with the Shire, prepared Town Planning Scheme amendments 20 and 21 which proposed the following:

- Amendment 20:
 - Rezoning the Cowra precinct from various existing zones into Residential Development attached with a Structure Plan indicating Residential, Recreation, Mixed Business, Public Purpose Reserves and the Shire's proposed tourist caravan park.
- Amendment 21:
 - Rezoning those parts of north Newman currently zoned Rural and Community and Cultural into Residential Development in addition to modifying the townsite boundary to accommodate such residential zone; and
 - Modifying the townsite boundary to the south west of the existing Industrial area and rezoning additional to Industrial.

Both amendments were presented to Council for initiation at its March 2013 meeting whereby Council resolved to initiate both based on the fact they were consistent with the Newman Revitalisation Plan. Accordingly, both amendments were forwarded to

the Environmental Protection Authority (EPA) for consideration in accordance with Section 81 of the Planning and Development Act 2005 (as amended). Subsequently, Amendment 20 was quickly considered and the Shire was advised that it would not need assessment by the EPA and therefore was able to progress Amendment 20 to agency and public advertising.

As a result of advertising Amendment 20, three objections were received from BHP Billiton, Department of State Development and Department of Mines and Petroleum. The objections generally centred on the following issues:

- That there is an ore body to the north of the town and development of residential areas in the northern parts as proposed would result in development encroaching in to required mining buffers; and
- The proposed zoning changes could interfere with the operation of the State Agreement relevant to the ore bodies around Newman.

In relation to the objections received, Landcorp proceeded to obtain legal advice to understand the mechanics of the issues whereby it was advised that generally mining activities would take precedence over anything else. That being the case, Landcorp engaged in discussions with the relevant parties in an effort to understand how industry and government could possibly have adopted the Revitalisation Plan in the first instance if the industry was aware of all of these factors.

As a result of discussions had between Landcorp and BHP Billiton, Landcorp have been able to express its frustration regarding the fact that significant amounts of planning and money has been spent in getting to the development of Amendment 20 and 21. As a result, BHP Billiton has identified that it would be willing to support, by way of funding, and alternative direction through the investigation of expanding the town to the south. This would of course be subject to material changes to existing amendments such that the impacts are minimised on the potential future operations of mining to the north. The changes identified that would see progress are as follows:

- Amendment 20 would be amended such that the Cowra precinct is modified in a way that would see the arrangement of the existing Council Reserves, including the Lions Club, rearranged such that those portions are closer to Newman drive and in the north generally which reduces impact from potential mining operations;
- Amendment 21 to have all proposed residential in the north removed and a Special Control Area implemented to prevent any future residential proposals;
- Expansion of the Industrial area and change of townsite boundaries in the south west would still be pursued and BHP Billiton would assist in attempting to make this happen as such area does not impact on future mine growth;

In agreeing to the above, and as noted, BHP Billiton have indicated they would compensate for the works undertaken already by offering funding to research and plan for a southern expansion.

As a result of all of the above, it should be noted that Amendment 21 was never advertised as the objections would have been the same as they were for Amendment 20.

COMMENTS/OPTIONS/DISCUSSIONS

From a Council perspective, the main issues arising out of the objections and subsequent discourse are as follows:

- Any plans regarding development to the north would have to not proceed;
- Proposed modifications to the Cowra precinct require that the Council Reserves would need to be relocated to the northern end of the precinct which would allow the residential component to be established in the southern portion due to the proposed Special Control Area;
- The area of land available to be developed on the North Newman Reserve is reduced, however; this means there is now no requirement to rearrange the existing community leases on the Reserve and their tenure can be guaranteed;
- Industrial growth to the south west would remain plausible.

Based on the above, the Shire with Landcorp would need to discuss the issues with those parties who have interests in the Reserves in the Cowra precinct. It also means that the Shire will also need to reinvestigate its proposed Tourism Caravan Park to suit if the suggested direction is considered.

In considering the legal advice that Landcorp has received it is considered pointless to enter into argument as to who is to blame for things having gotten so far and to be simply halted by the mechanics of a State Agreement. Although it is not an ideal situation, the fact that BHP Billiton have offered to compensate for works undertaken and offer assistance to direct growth elsewhere is a positive outcome for the Shire. Accordingly, Landcorp have requested Council's support to broker the compensation and to commence works to study the south of Newman to ensure that the aspirations of the town can still be achieved.

It is therefore recommended that Council provide it's in principle support to those directions as identified in this report and noted in Landcorp correspondence dated 19 November 2013.

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.

3.4 Land use and development control

3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land

Responsible officer: CEO
Timing: 1-5 years

- 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 advises Landcorp of it's in principle support to alternate direction(s) of the Newman Townsite Growth Plan as presented in the Landcorp correspondence and dated 19 November 2013.

**9.3.5 PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 22 -
SETTLEMENT ZONE**

File Ref: PLN-2-2-22
Attachments: [Amendment No22](#)
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 to initiate Town Planning Scheme Amendment No. 22 in relation to the introduction of a Settlement zone.

BACKGROUND

State Planning Policy 3.2 (SPP 3.2) – Aboriginal Settlements was gazetted in May 2011 of which the primary objectives of SPP 3.2 are as follows:

- To provide for the recognition of Aboriginal Settlements through local planning schemes and strategies;
- To collaboratively plan for the orderly and coordinated development of Aboriginal Settlements.

With regards to State Planning Policies, the local authority is responsible to ensure that any adopted local planning scheme is to give due regard to State planning policy which affects its district. In this instance, SPP 3.2 calls for the introduction of a specific zone into local planning schemes in order to satisfactorily provide for Aboriginal settlements.

In particular, SPP 3.2 requires that all Aboriginal settlements are to have 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.

Officer's from the Department of Planning engaged with the Shire's Town Planning section to discuss the requirement of having the Shire's Town Planning Scheme brought into line with SPP 3.2 given that the Shire does incorporate a number of Aboriginal communities. The Department of Planning has been kind enough to prepare the required amendment document on the basis that the Shire will progress the amendment to ensure its Town Planning Scheme is brought up to date.

At present, the Shire's Town Planning Scheme has the numerous Aboriginal Settlements variously zoned either Rural or as a Conservation Reserve. It is therefore the intent of the proposed amendment to bring the Shire Town Planning Scheme into line with SPP 3.2 by introducing to the new Settlement zone.

COMMENTS/OPTIONS/DISCUSSIONS

The following existing Aboriginal settlements have gone through the development of new Layout Plans in accordance with SPP 3.2 and are therefore the subject of the proposed amendment:

- Kiwirrkurra;
- Kunawarritji;
- Jigalong;
- Parnngurr;
- Punmu; and
- Warralong.

It is important to note that the above list does not include the communities of Goodabinya, Irrungadji and Parnpajinya as these areas are considered "town-based" communities. This form of community, or reserve as they were, is a legacy from the time when Aboriginal people were required to live separately from those living within the adjoining towns. SPP 3.2 does not require these communities to have a Layout Plan prepared hence not forming part of the proposed amendment.

The proposed amendment to the Shire's Town Planning Scheme has seven (7) main parts which are briefly described as follows:

1. Inclusion of the new zone;
2. Deleting the Aboriginal Settlement use class from the Zoning Table;
3. Including the new zone into the Zoning Table;
4. Replacing the General Development Requirements for Aboriginal Settlements with new requirements for the new zone;
5. Deleting Aboriginal Settlement from the Dictionary of Defined Words;
6. Modifying the Scheme maps; and
7. Adding the new zone to the Scheme legend.

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 initiate the amendment as presented.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5, Section 75 of the Planning and Development Act 2005 (as amended) in addition to Regulation(s) 25 and 25AA of the Town Planning Regulations 1967 provides that a Local Planning Scheme may be amended. Additionally, where an amendment is initiated the local authority must seek the prior consent of the Environmental Protection Authority (EPA) to advertise the amendment as required by Section 81 of the Planning and Development Act 2005. Where the EPA advises that the proposed amendment need not be assessed on environmental grounds, the amendment would then be advertised for a period of not less than 42 days for

agency and public comment. Following advertising, Council will be required to reconsider the proposal as well as any submissions received.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

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', which currently states;

5.15.1 Purpose and Intent

To provide a framework for the planning and cohesive development of settlements and communities and also provide a basis for negotiation between Aboriginal communities and Government in order to foster the development of co-operative strategies to improve the general health, safety and amenity of those communities.

5.15.2 Settlement Plan

5.15.2.1 *Within an Aboriginal Settlement no subdivision or other development should be commenced or carried out until a Settlement Plan has been prepared for the whole of the area within the settlement boundary, or for any particular part or parts as considered appropriate by Council, and such plan has been adopted by Council and the Commission.*

5.15.2.2 *Subdivision or development of land shall only be supported where it is generally in accordance with an adopted Settlement Plan.*

5.15.2.3 *The Settlement Plan shall include the proposed layout of development and indicate the proposed land use and construction details of any buildings or works proposed, and any other information as Council deems appropriate.*

5.15.3 Planning Approval

5.15.3.1 *Unless otherwise specified in the adopted Settlement Plan or related policy, development and land use shall not occur within an Aboriginal Settlement without planning consent being issued in writing by the Council.*

5.15.3.2 *The Council may refuse to issue its planning consent if it considers that a development does not substantially comply with the adopted Settlement Plan.*

Add provision '5.15 – SETTLEMENT ZONE' to read as;

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.**

- 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**
24 April 2014, Newman
- 15 CLOSURE**