



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, 15 MARCH, 2013.

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2	SWEARING IN OF NEWLY ELECTED COUNCILLOR	4
3	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	4
3.1	ATTENDANCES	4
3.2	APOLOGIES	4
3.3	LEAVE OF ABSENCE	5
4	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	5
5	PUBLIC QUESTION TIME	5
6	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	5
7	APPLICATIONS FOR LEAVE OF ABSENCE	5
8	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	5
8.1	CONFIRMATION OF MINUTES.....	5
8.2	PILBARA REGIONAL COUNCIL MINUTES 18 FEBRUARY 2013	5
9	MEMBERS REPORT	7
9.1	ITEMS FOR RECOMMENDATION	7
9.1.1	NEW POLICY – EQUITY AND ACCESS	7
9.2	ITEMS FOR INFORMATION.....	10
10	OFFICER'S REPORTS	11
10.1	CHIEF EXECUTIVE OFFICER.....	11
10.1.1	CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - FEBRUARY 2013	11
10.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	14
10.1.3	ENDORSEMENT OF THE SHIRE OF EAST PILBARA REPEAL LOCAL LAW 2013.....	17

10.1.4	AFFIXING COMMON SEAL TO THE POLAR AVIATION LEASE EXTENSION AT NEWMAN AIRPORT LOT 37.....	23
10.1.5	AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER DEVELOPMENT SERVICES - HEALTH	26
10.1.6	AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER HUMAN RESOURCES.....	28
10.2	DEPUTY CHIEF EXECUTIVE OFFICER	30
10.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - FEBRUARY 2013	30
10.2.2	AFFIXING COMMON SEAL TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE NEWMAN VISITOR CENTRE INC. AND THE SHIRE OF EAST PILBARA.....	34
10.2.3	AFFIXING THE COMMON SEAL TO THE CONTRACTS FOR THE PANEL OF PROFESSIONAL SERVICES.....	40
10.2.4	AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD COMMUNITY DEVELOPMENT PROJECT CONTRACT AGREEMENT - NEWMAN EVENTS 20121109 SCHEDULE A-B-C-D	44
10.2.5	REQUEST FOR TENDER - NEWMAN EVENTS	46
10.2.6	BUDGET REVIEW AS AT 31 JANUARY 2013.....	49
10.2.7	COMMUNITY ASSISTANCE GRANTS- JANUARY 2013- ROUND TWO (2012-2013) FINANCIAL YEAR	55
10.2.8	CONSIDERATION OF CSRFF APPLICATION MADE BY WESTERN DESERT SPORTS COUNCIL INC.	59
10.2.9	COMPLIANCE AUDIT RETURN 2012	63
10.2.10	MONTHLY FINANCIAL STATEMENTS JANUARY 2013.....	67
10.2.11	CREDITORS FOR PAYMENT.....	69
10.3	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES ...	73
10.3.1	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - FEBRUARY 2013	73
10.3.2	PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 21	79

10.3.3	APPLICATION TO KEEP MORE THAN TWO DOGS - MRS HAYLEY LINDEN, 3 WINDAMARRA CRES, NEWMAN.WA.6753.	82
10.3.4	APPLICATION TO KEEP MORE THAN TWO DOGS – MR SHANON CATSICAS. 24 CULLDORAH ST NEWMAN WA 6753	85
10.3.5	PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 20	88
10.3.6	TENDER 2/2012-13 – NEWMAN AIRPORT GA APRON EXTENSION.....	93
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	100
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	100
13	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS.....	100
14	GENERAL BUSINESS.....	100
15	DATE OF NEXT MEETING	100
16	CLOSURE	100

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 SWEARING IN OF NEWLY ELECTED COUNCILLOR

In accordance with Section 2.29 of the *Local Government Act 1995*, and Regulation 13 of the *Local Government (Constitution) Regulations 1998*, the following new Councillor is to be sworn in and make their Declaration as an Elected Member.

<u>Councillor</u>	<u>Ward</u>	<u>Expiry of Term</u>
	Central	October 2013

3 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

3.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Darren Bennetts
Cr Shane Carter
Cr Kevin Danks
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

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

Public Gallery

3.2 APOLOGIES

Councillor Apologies

Cr Doug Stead

Officer Apologies

Mrs Sheryl Pobrica

Executive Services Administration Officer

3.3 LEAVE OF ABSENCE

4 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

5 PUBLIC QUESTION TIME

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 APPLICATIONS FOR LEAVE OF ABSENCE

8 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

8.1 CONFIRMATION OF MINUTES

[Minutes February 08 2013 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 8 February 2013, be confirmed as a true and correct record of proceedings.

8.2 PILBARA REGIONAL COUNCIL MINUTES 18 FEBRUARY 2013

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary PRC Meeting of Council held on 18 February 2013, be received.

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

9 MEMBERS REPORT

9.1 ITEMS FOR RECOMMENDATION

9.1.1 NEW POLICY – EQUITY AND ACCESS

File Ref:	LEG-2-1
Member:	Cr Darren Bennetts Councillor
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider adopting a new policy to formally acknowledge the Shire's commitment to provide fair and equal distribution of resources (according to need), to all of the Shire's residents.

BACKGROUND

Cr Darren Bennetts has asked that Council consider adopting a new Equity & Access Policy. Such a policy would ensure a fair and equal distribution of resources (according to need), to all of the Shire's residents.

The reasoning behind the policy is to address the current disparity in rate of growth between the towns in terms of council administered and controlled services. In short, without this policy Council has been distracted from growing Marble Bar & Nullagine by Newman's mining boom.

The access & equity policy would re-focus Council and its officers on equitable access & growth and future progress of all three towns, rather than just Newman, (which is our collective responsibility as councillors and public officers).

The policy would highlight our responsibility whenever forming or implementing council policy to ensure that we serve growth in access & equity of services to all people in all towns within the shire of East Pilbara, rather than just Newman.

The policy seeks to ensure sustainable growth in all three towns in the Shire of East Pilbara over the long term and stop the current process where Newman is being grown at the expense of Nullagine & Marble Bar residents' access to Council provided services and amenities. Even by donation of outside "Newman specific" funding from mining companies which are a conflict of interest for Council to administer for the benefit of 1 town only.

The need for this policy is evidenced by the current disparity in allocation of Shire resources & future planning towards Newman which has resulted in residents of Nullagine and Marble Bar falling a long way behind in access to standards of living affected by council policy. There is also very little future growth plans in place for Nullagine & Marble bar while Newman has a comprehensive set of plans in place. This lack of future planning alone will ensure Newman's growth and the decline of Nullagine & Marble Bar if not addressed.

Without an effective access and equity policy the current gap in service provision between the three towns is likely to continue widening at an exponential rate. If left unchecked the current bias towards Newman may result in Newman being the only town that has grown in 10 years' time. If the policy was effective it would result in sustainable growth across all three towns over the ten year period.

COMMENTS/OPTIONS/DISCUSSIONS

If Council considers it appropriate to adopt a new Equity & Access Policy, the policy will first need to be discussed at the Executive Management meeting. The draft policy will then be presented at Corporate Discussion for input from Councillors. Finally, the draft policy will be presented to Council for adoption and inclusion in the Policy Manual.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 1 – Introductory matters

1.3 Content and intent

- (2) This Act is intended to result in –
 - (a) better decision-making by local governments; and
 - (b) greater community participation in the decisions and affairs of local governments; and
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

POLICY IMPLICATIONS

New Policy Making Guidelines:

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

5. The Policy will then be presented to Council for adoption and inclusion in the Policy Manual.

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.3 Community Planning

- 1.3.1 Continue Implementation of the NewmanTomorrow: A Home for Generations document.
Time lines contained within document
How funded – Various as indicated in the document
Responsible Directorate - All
- 1.3.2 Annually review the NewmanTomorrow: A Home for Generations document.
Annually in December
How funded – Municipal Funds
Responsible Directorate - Executive
- 1.3.3 Develop and implement community planning documents for Marble Bar and Nullagine.
March 2010
How funded – Municipal Funds
Responsible Directorate – Executive and Community Engagement

Council has prepared community planning documents for both Marble Bar and Nullagine in the form of the Marble Bar Prospect Us and the Nullagine Prospect Us. Both of these documents were developed in consultation with the communities of Marble Bar and Nullagine which guide staff in the decision making process.

FINANCIAL IMPLICATIONS

No financial resource impact at this time.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Shire staff prepare a draft policy – Equity & Access – to formally acknowledge the Shire's commitment to provide fair and equal distribution of resources (according to need), to all of the Shire's residents.

9.2 ITEMS FOR INFORMATION

10 OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - FEBRUARY 2013

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 Encourage community participation in the decision making processes undertaken by the Shire

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Chief Executive Officer for February 2013 be received.

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

15 MARCH, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 September 2012	13.5	INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman.	CEO	To be followed up	
7 December 2012	13.2	ADSL IN MARBLE BAR Cr Stephen Kiernan asked if a letter could be written to Telstra for ADSL to be available in Marble Bar as Nullagine has just received ADSL and why not Marble Bar. Mr Allen Cooper, CEO replied Newman also does not have ADSL and a letter will be written to Telstra.	CEO	Response in March Information Bulletin	Completed
8 February 2013	9.1.8	AMENDMENT TO REGIONAL PRICE PREFERENCE POLICY	CES	Advertised for public comment 20/02/2013	
8 February 2013	9.1.12	LEASE - LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF "TOWN CONSTRUCTION FLY CAMP", NEWMAN	CES	On Hold pending valuation being undertaken.	
8 February 2013	9.1.13	PURCHASE OF NEW RESIDENTIAL LOT IN EAST NEWMAN	CES	Signed/sealed contract sent to Landcorp on 12/02/2013	
8 February 2013	13.4	FORTESCUE METALS GROUP Cr Lang Coppin has asked the Shire to write to the Environmental Protection Authority regarding FMG North Star Magnetite Project, regarding taking water from the Canning Basin for use in the project. Chief Executive Officer to follow up.	CEO	Letter sent on 14/02/2013 to *Environmental Protection Authority *Minister for Environment *Department of Environment & Conservation. *Department of Mines	

10.1.2 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration

Division 4 – Local government employees

5.38 Annual review of certain employee's performances

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

5.39 Contracts for CEO's and senior employees

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

(1a) *Despite subsection (1) –*

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

Local Government (Administration) Regulations 1996

18D Local government to consider performance review on CEO

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

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Nil as a new contract commenced from the 1st of January 2013, there will be no salary review until January 2014.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

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

**10.1.3 ENDORSEMENT OF THE SHIRE OF EAST PILBARA REPEAL LOCAL
LAW 2013**

File Ref: LEG-5-1
Attachments: [Repeal LL doc](#)
[Local Government Amendments doc](#)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

That Council endorse the Shire of East Pilbara Repeal Local Law 2013.

BACKGROUND

At its meeting on 7 December 2012, Council resolved:

“THAT Council approve the release of the Shire of East Pilbara draft Repeal Local Law 2012, as attached, for public comment for a period of six (6) weeks.”

On 19 December 2012, the public was given notice that the Shire of East Pilbara proposes to make a repeal local law. Notice was given in the West Australian newspaper, The North West Telegraph newspaper, and on the local notice boards. Submissions closed on Wednesday 6 February 2012. No submissions were received.

COMMENTS/OPTIONS/DISCUSSIONS

On 6 February 2013, a copy of the proposed local law was sent to the Department of Local Government for their comments (as required by section 3.12(3)(b) of the *Local Government Act 1995*).

On 20 February 2013, the Department of Local Government provided their comments. Their suggestions are listed below:

1. Clause 3 – Purpose and effect

The purpose and effect should be included in the public notices advertising the local law and provided in relevant documents submitted to the Delegated Legislation Committee however, there is no requirement that they be included in the actual local law itself. It is suggested that clause 3 be deleted since it has no actual legislative effect.

2. Title of local law

The Shire should consider amending the title to display the current year of 2013 as this is the year that the Repeal will come into effect.

All suggested modifications have been adopted.

Pursuant to section 3.13 of the *Local Government Act 1995*, a local government is to recommence the section 3.12 procedure if the modification is significantly different from what was first proposed. **Attached** is a table which considers whether each modification is or is not significantly different from what was first proposed.

It is considered that each modification is not significantly different from what was first proposed. Rather, the modifications seek to clarify the local law and make it consistent with written legislation. Therefore, there is no need to recommence the section 3.12 procedure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 3 - Functions of local governments (Division 2 - Legislative functions of local governments) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 44).

Part 3 - Functions of local governments (Division 2 - Legislative functions of local governments) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 46).

POLICY IMPLICATIONS

Council's Policy manual adopted 28 July 2012.

Execution of Documents

Minute No: Item 9.1.3

Date: 27 June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities.
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in adopting this local law are administrative, advertising and publishing in the *Government Gazette*. It is estimated that the cost involved will be less than \$500 and can be funded from account number 51084.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the Shire of East Pilbara Repeal Local Law 2013, as attached, be gazetted and the common seal be affixed to the local law.

Repeal Local Law 2013
Department of Local Government suggested amendments

Amendment No.	Amendment Description	Do the modifications make it significantly different from what was first proposed?	Do the modifications add clarity, consistency with written legislation and accuracy to what was first proposed?	Do the modifications detract from the intent, purpose and effect of the original proposed local law?
1.	Clause 3 – Purpose and effect The purpose and effect should be included in the public notices advertising the local law and provided in relevant documents submitted to the Delegated Legislation Committee however; there is no requirement that they be included in the actual local law itself. It is suggested that clause 3 be deleted since it has no actual legislative effect.	No.	Yes.	No.
2.	Title of local law The Shire should consider amending the title to display the current year of 2013 as this is the year that the Repeal will come into effect.	No.	Yes.	No.

SHIRE OF EAST PILBARA

REPEAL LOCAL LAW 2013

Local Government Act 1995

SHIRE OF EAST PILBARA

REPEAL LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the local government of the Shire of East Pilbara resolved on 15 March 2013 to make the following local law.

1 Citation

This local law is the *Shire of East Pilbara Repeal Local Law 2013*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Repeal

The following local laws are repealed –

- (a) *Prevention of Damage to Roads (Marble Bar)*, as published in the *Government Gazette* on 21 September 1951;
- (b) *Prevention of Damage to Roads (Nullagine)*, as published in the *Government Gazette* on 21 September 1951;
- (c) *Caravan Parks – Draft Model No. 2*, as published in the *Government Gazette* on 8 April 1964;
- (d) *By-laws Relating to Long Service Leave*, as published in the *Government Gazette* on 7 November 1972;
- (e) *Long Service Leave*, as published in the *Government Gazette* on 19 January 1979;
- (f) *Adoption of Draft Model By-laws Relating to Signs, Hoardings and Bill Posting No. 13*, as published in the *Government Gazette* on 16 April 1982;
- (g) *Adoption of Draft Model By-laws Relating to Removal and Disposal of Obstructing Animals or Vehicles No. 7*, as published in the *Government Gazette* on 30 April 1982;
- (h) *Adoption of Draft Model By-laws Relating to Model By-laws (Standing Orders) Amendment By-laws 1981*, as published in the *Government Gazette* on 3 June 1983;
- (i) *By-laws Relating to Amusements*, as published in the *Government Gazette* on 19 August 1983;
- (j) *By-laws Relating to Parking Facilities*, as published in the *Government Gazette* on 4 January 1985;
- (k) *By-laws Relating to Fencing and Obstructions at Intersections*, as published in the *Government Gazette* on 9 August 1996;
- (l) *Local Laws Relating to the Removal and Disposal of Obstructing Animals or Vehicles*, as published in the *Government Gazette* on 10 June 1997;
- (m) *Local Laws Relating to Parking Facilities*, as published in the *Government Gazette* on 10 June 1997;

SHIRE OF EAST PILBARA

REPEAL LOCAL LAW 2013

- (n) *Local Laws Relating to Firebreaks*, as published in the *Government Gazette* on 22 February 2000;
- (o) *Health Amendment Local Laws 2000*, as published in the *Government Gazette* on 10 November 2000;
- (p) *Activities on Thoroughfares and Public Places Amendment Local Law 2001*, as published in the *Government Gazette* on 8 June 2001;
- (q) *Local Government Property Amendment Local Law 2001*, as published in the *Government Gazette* on 8 June 2001;
- (r) *Local Law (Signs, Hoardings and Bill Posting)*, as published in the *Government Gazette* on 27 August 2002;
- (s) *Signs, Hoardings and Bill Posting Amendment Local Law*, as published in the *Government Gazette* on 6 May 2003; and
- (t) *Health Amendment Local Laws 2003*, as published in the *Government Gazette* on 30 May 2003.

Dated: 15 March 2013

The Common Seal of the Shire of East Pilbara was affixed by the authority of a resolution of the local government in the presence of –

LYNNE CRAIGIE, Shire President

ALLEN COOPER, Chief Executive Officer

**10.1.4 AFFIXING COMMON SEAL TO THE POLAR AVIATION LEASE
EXTENSION AT NEWMAN AIRPORT LOT 37**

File Ref: A700783
Attachments: [Polar Aviation.pdf](#)
Responsible Officer: Leon Burger
Manager Airport Services
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport, Lot 37
Name of Applicant: POLAR AVIATION PTY LTD
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to lease agreement extension for Polar Aviation Pty Ltd located at Newman Airport – Lot 37.

BACKGROUND

At the Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of licence and lease agreements at Newman Airport, the resolution is as follows:

- 1. THAT Council authorises the Manager Airport Services to restructure the licence and lease agreements for the different categories of tenant occupation at Newman Airport.**

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM 14-9
Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Plan for Future of the District

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the lease agreement extension between the Shire of East Pilbara and Polar Aviation Pty Ltd for a one optional term of 5 years, for Lot 37, located at Newman Airport.

LANDS DIVISION

Your ref: PRW/EAST6280-9031 562
Our ref: 02857-1581-2870
Job No: 130331
Enquiries: Eileen Lemoine
Ph: (08) 6502 4586 Fax: (08) 6502 4420
Email: Eileen.Lemoine@rdl.wa.gov.au

Philip Wilson
CORRS CHAMBERS WESTGARTH LAWYERS
150 St George Terrace
PERTH WA 6000

Dear Philip

**PROPOSED LEASE EXTENSION DEED – PART OF NEWMAN AIRPORT, PART
OF LOT 571 ON DEPOSITED PLAN 71045, RESERVE 44775- SHIRE OF EAST
PILBARA**

Thanks for your email dated 29 January 2013 wherein you sought approval to extend lease 1403028 to Polar Aviation Pty Ltd.

Under section 18(2) of the *Land Administration Act 1997* (LAA) the prior approval of the Hon Minister for Lands as delegated is required for transactions involving interests in Crown Land.

It is understood that you propose to extend the lease with Polar Aviation Pty Ltd for a further ten (10) years although there is no varying clause in the lease document. However since the parties are in agreeable term, section 18 approval is granted.

Reserve 44775 is set aside for the purpose of 'Airport' under the management of the Shire of East Pilbara, with power to lease for any term up to twenty one (21) years subject to the prior approval of the Minister for Lands.

Based on the information provided, the Department of Regional Development and Lands (RDL) has no objection in principle to you extending the lease as proposed above.

This in principle approval to deal in Crown land is valid for six (6) months from the date of this letter. Upon the expiration of this approved period, if the transaction has not been lodged for registration at Landgate, you will need to make another submission to RDL. Please send the signed documents (in triplicate) for final approval.

If you have any further enquiries regarding this matter please don't hesitate to contact me on (08) 6552 4566.

Yours sincerely

**EILEEN LEMOINE
FOR MANAGER PILBARA REGION
STATE LAND SERVICES
LANDS DIVISION**

18 February 2013

**10.1.5 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER DEVELOPMENT SERVICES - HEALTH**

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

REPORT PURPOSE

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

BACKGROUND

The employment contract of Mr Edmore Masaka has been extended by a two year term expiring on 8th August 2015, with an option of a further two year extension, subject to satisfactory work performance.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 27th June 2003

Objective:
To allow for the proper execution of documents.

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Edmore Masaka, Manager Development Services – Health, for a term of two years, expiring on 8 August 2015, with an option of a further two year term.

**10.1.6 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER HUMAN RESOURCES**

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

REPORT PURPOSE

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

BACKGROUND

The employment contract of Mr David Kular has been extended by a two year term expiring on 21st August 2015, with an option of a further two year extension, subject to satisfactory work performance.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 27th June 2003

Objective:
To allow for the proper execution of documents.

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr David Kular, Manager Human Resources, for a term of two years, expiring on 21 August 2015, with an option of a further two year term.

10.2 DEPUTY CHIEF EXECUTIVE OFFICER

**10.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- FEBRUARY 2013**

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 *Encourage community participation in the decision making processes undertaken by the Shire*

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer Report for February 2013 be received.

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

15 MARCH, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by Council report in draft to be presented to Council in May 2013	On Going
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO	Being project managed by RPS. DA Lodged	On Going
8 February 2013	13.1	WAR MEMORIAL – MARBLE BAR Cr Stephen Kiernan enquired about the completion of the footpath at the War Memorial at Marble Bar. Deputy Chief Executive Officer we are waiting approval of funding. Once approved projects ready to be commenced.	DCEO		On Going
8 February 2013	13.2	MOBILE SKATE RAMP – MARBLE BAR Cr Stephen Kiernan asked for an update on the mobile skate ramp. Deputy Chief Executive Officer replied that currently a study is being undertaken for all three towns, on gaps in family and youth services and will incorporate the mobile skate ramp. This report will be brought to Council for consideration.	DCEO		On Going
8 February 2013	13.3	OUTDOOR CINEMA – MARBLE BAR Cr Stephen Kiernan what is happening regarding an outdoor cinema. Deputy Chief Executive Officer replied they are obtaining	DCEO		On Going

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

15 MARCH, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		quotes and it is under review.			

**10.2.2 AFFIXING COMMON SEAL TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE NEWMAN VISITOR CENTRE INC. AND
THE SHIRE OF EAST PILBARA**

File Ref: ORG-9-19
Attachments: [MOU NVC and SOEP dated 190.02.13SW.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Newman
Name of Applicant: Newman Visitor Centre Inc. & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval of the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Newman Visitor Centre Inc. Memorandum of Understanding for the provision of tourism services for an amount of \$90,000 + GST of \$9,000 for a total amount of \$99,000.

BACKGROUND

Since 2006, the Shire of East Pilbara has financially supported the Newman Visitor Centre (formally known as the Newman Tourist Association) with the provision of an annual donation to assist with the operational expenditure of this facility.

In August 2012, the Shire began negotiating with the Centre to formalise this yearly donation through a request to enter into a Memorandum of Understanding (MOU) with the Newman Visitor Centre Inc.

COMMENTS/OPTIONS/DISCUSSIONS

The attached MOU was only received by Council on the 19th February 2013 and is for the period from 28th September 2012 until 30 June 2013. It clearly states the obligations of the Visitor Centre including:

** To provide to the Shire of East Pilbara a copy of the Audited Financial Statements for the Association by 31 December each year.*

** To provide to the Shire of East Pilbara a copy of the Annual Budget for the Association by 31 March each year.*

** To prepare and provide a yearly marketing and promotion plan which identifies target audiences and markets, communication tools, promotional methods, budgets, cost analysis, appropriate funding opportunities and a list of local/regional businesses that are associated with the Marble Bar Tourist Association Inc.*

And, in turn, the Shire is required:

** To provide funding of \$90,000 p.a. to the Newman Visitor Centre Inc. payable in (quarterly) instalments via electronic funds transfer.*

** To maintain a Tourism Policy that will guide the development of tourism within the East Pilbara.*

** To support marketing opportunities as identified through the Newman Visitor Centre Inc.*

Council can approve or not approve the request to apply the common seal to the Newman Visitor Centre Inc. Memorandum of Understanding.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

All documents validly executed will have the common seal affixed and the 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.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities For Tourism

1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara.

July 2010

How funded – Municipal Funds

Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the application of the common seal of the Shire of East Pilbara to the Newman Visitor Centre Inc. Memorandum of Understanding for the provision of tourism services for an amount of \$90,000 + GST of \$9,000 for a total amount of \$99,000.



THIS MEMORANDUM OF UNDERSTANDING and FUNDING AGREEMENT

is dated the 28th September 2012

BETWEEN

NEWMAN VISITOR CENTRE INCORPORATED

[ABN 23 367 769 709] Lot 1419 Newman Drive, Newman WA 6753

AND

THE SHIRE OF EAST PILBARA

[ABN 47 854 334 350] Cnr Kalgan & Newman Drives, Newman WA 6753

Terms of the Agreement:

The terms of the Agreement as outlined below will be applicable pending the signing of this Agreement and confirmation by the full Council of the Shire of East Pilbara and the Newman Visitor Centre Inc.

Specifics of the Agreement:

- a) This Agreement is valid for 15 months, commencing 28th September 2012 and ending 30 June 2013.
b) The specified annual funding fee is \$90,000 that will be paid pro rata and reviewed annually with consideration of a CPI increase.

The Newman Visitor Centre Inc. and the Shire of East Pilbara hereby agree to work together to:

Promote the Newman/Pilbara region as a tourist destination, provide visitor services and attractions, including providing visitors and potential new residents to the town with:

1. *information on accommodation properties and car hire;*
2. *accommodation and tour booking services;*
3. *maps and directions for the local area;*
4. *information on nearby National Parks and wildlife;*
5. *information on road conditions and advice on where to locate up to date road condition reports;*
6. *information on local facilities and amenities, such as medical services, service stations, food outlets, supermarkets, public transport, government agencies etc;*
7. *information on events, functions and attractions within the region;*
8. *promote and build strong relationships with local businesses;*
9. *retail merchandise, souvenirs, local arts and crafts;*
10. *act as a booking agent for Golden Eagle Mail Plane servicing the remote communities in the Pilbara;*
11. *act as a booking agent for Integrity Coachlines and Greyhounds Buses; and*
12. *facilitate the Mt Whaleback Mine Tour in conjunction with BHP Billiton Iron Ore.*

In addition the parties will co-operate to:

- (a) *identify ways to continue to develop the range of services that can be provided by the Newman Visitor Centre*

- (b) facilitate the development of proposals for projects between the two organizations including exploring possibilities for grants and other forms of funding;
- (c) conduct an annual review of this MOU at least one (1) week prior to the anniversary of the execution of this MOU.

Funding and Financial Responsibilities:

The Shire of East Pilbara agrees to provide support in terms of funding to the value of \$90,000 (GST exclusive) annually pro rata. This financial support is to be paid in quarterly installments to the Newman Visitor Centre Inc. by electronic funds transfer.

This funding arrangement will be subject to an annual review at least one (3) months prior to the anniversary of the execution of this MOU.

Reporting:

To accomplish the purpose and objective set forth in the MOU, partners will meet at least once a year. Further, the Newman Visitor Centre Committee will provide the Shire of East Pilbara with quarterly reconciliation reports along with access to the independent audit conducted annually to ensure compliance with the Travel Compensation Fund.

Terms:

This memorandum shall commence on 28th September 2012 and shall expire on the 30th June 2013. The MOU & Funding Agreement will be automatically renewed for a further period of one (3) year unless one party notifies the other party in writing that they do not wish to renew the MOU at the completion of the annual review.

This memorandum may be terminated by either party giving the other party [three months'] notice in writing.

This MOU may only be amended by agreement in writing between the parties but not otherwise.

General:

Newman Visitor Centre Inc. Responsibilities

- a). To provide to the Shire of East Pilbara a copy of the Audited Financial Statements for the Association by 31 December each year.
- b). To provide to the Shire of East Pilbara a copy of the Annual Budget for the Association by 31 March each year.
- c). To prepare and provide a yearly marketing and promotion plan which identifies target audiences and markets, communication tools, promotional methods, budgets, cost analysis, appropriate funding opportunities and a list of local/regional businesses that are associated with the Marble Bar Tourist Association Inc.
- d). To operate within the terms and conditions of the Constitution of the Newman Visitors Centre Inc.
- e). To ensure the Shire of East Pilbara is accorded full paid membership status.
- f). To provide a high quality and professional information service to visitors and intended visitors to the Shire of East Pilbara.
- g). To operate a Visitor Centre at Lot 1419 Newman Drive, NEWMAN with the following opening hours:
Monday – Friday 9am to 5pm, weekends 10am to 4pm, WINTER HOURS
Monday – Sunday 8.30am – 5pm SUMMER HOURS
An afterhours mobile contact number is displayed at all times
- h). Welcome visitors to Shire of East Pilbara with excellent customer service and comfortable premises.
- i). Create a positive impression through comprehensive advice on the facilities and services available within the Shire of East Pilbara and surrounds.
- j). Encourage visitors to stay longer by providing information about things to see and do in the East Pilbara and surrounds.
- k). Increase support for tourism in the town through raising awareness of the tourism industry's direct and indirect benefits and provide opportunities for community development.

Local Government Authority Responsibilities

- l). To provide funding of \$90,000 p.a. to the Newman Visitor Centre Inc. payable in (quarterly) instalments via electronic funds transfer.
m). To maintain a Tourism Policy that will guide the development of tourism within the East Pilbara.
n). To support marketing opportunities as identified through the Newman Visitor Centre Inc.
o). To provide quarterly reports on the operations of the Visitor Centre including visitor statistics, to the Marble Bar Tourist Association Inc.

Representatives

For the term of this MOU, each party may appoint one of its employees to act as its representative in relation to this MOU (each such employee being a "Representative").

The Representative of an appointing party will be responsible for:

- (a) managing, overseeing or co-ordinating that party's relationship with the other party;
- (b) discussing issues arising out of this MOU with the Representative of the other party; and
- (c) co-ordinating the exchange of information between the parties.

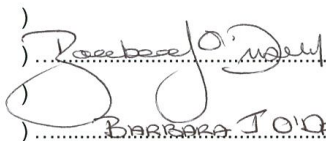

The initial Representatives that have been chosen by the parties are:

(a) for the Newman Visitor Centre: Tracey Bennett
9175 2888
E-mail: nvcmanager@bigpond.com

(b) for The Shire of East Pilbara: Shane Carter
9175 8000
Shaggy2@bigpond.com

Executed by the parties:

SIGNED for and on behalf of
The NEWMAN VISITOR CENTRE INC.
by its authorised Officer

) signature
) print name

in the presence of:

..... witness signature..... witness print name

SIGNED for and on behalf of
THE SHIRE OF EAST PILBARA
by its authorised Officer

)signature
)print name

The Common Seal of Local Government Authority was hereunto affixed in the presence of:

in the presence of:

..... witness signature..... witness print name

**10.2.3 AFFIXING THE COMMON SEAL TO THE CONTRACTS FOR THE PANEL
OF PROFESSIONAL SERVICES**

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 approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contracts for the Panel of Professional Services.

BACKGROUND

At the Council meeting held on the 8th February, 2013 Council resolved to endorse the recommended Tenderers (*listed below*) to be included on the Shire of East Pilbara's Panel of Professional Service Providers for a period of three years:

- 1) ADG Engineers (Aust) Pty Ltd;
 - 2) Advantage Australia Pty Ltd;
 - 3) Alliance Power & Data;
 - 4) APP Corporation Pty Ltd;
 - 5) Ashburner Francis Pty Ltd;
 - 6) Aurecon Australia Pty Ltd;
 - 7) BG&E Pty Ltd;
 - 8) Blue Visions Management Pty Ltd;
 - 9) BPA Engineering Pty Ltd;
 - 10) Brett David Investments Pty Ltd;
 - 11) Cardno WA Pty Ltd;
 - 12) Coffey International;
 - 13) David White Landscape Architect;
 - 14) dmbd Pty Ltd;
 - 15) Donald Cant Watts Corke;
 - 16) Ecoscape;
 - 17) EPCAD Pty Ltd;
 - 18) Genova Projects Pty Ltd;
 - 19) GHD Pty Ltd;
 - 20) Greg Rowe and Associates;
 - 21) Halcyon Property Pty Ltd;
 - 22) Hawker Moss Surveyors;
 - 23) Insight Project Services;
 - 24) Inter Engineering Pty Ltd;
 - 25) Josh Byrne & Associates;
 - 26) Landscape Planners Pty Ltd;
-

- 27) McDowall Affleck;
- 28) McMullen Nolan Group Pty Ltd;
- 29) Mercury Light Pty Ltd trading as UDLA;
- 30) NS Projects Pty Ltd;
- 31) Paragon Project Management;
- 32) Point Project Management;
- 33) Porter Consulting Engineers;
- 34) Quattro Project Engineering;
- 35) RAD Architecture;
- 36) Robert Bird Group Pty Ltd;
- 37) RPS Australia East Pty;
- 38) Savills Project Management;
- 39) Serling Consulting;
- 40) SJR Civil Consulting Pty Ltd;
- 41) SPH Pty Ltd;
- 42) Thinc Projects Australia Pty Ltd;
- 43) Town Planning Management Engineering Pty Ltd;
- 44) Transcore Pty Ltd;
- 45) Urbis Pty Ltd;
- 46) Vemtec Pty Ltd;
- 47) Vernon Design Group;
- 48) Vigilante Landscape Architecture Pty Ltd;
- 49) Whelans Australia Pty Ltd (*Previously Whelans (WA) Pty Ltd*); and
- 50) WML Consultants.

COMMENTS/OPTIONS/DISCUSSIONS

There are a total of fifty (50) Contracts to apply the common seal of the Shire of East Pilbara to, in relation to the Panel of Professional Service Providers.

Council can approve or not approve the request to apply the common seal to these Contracts.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the common seal of the Shire of East Pilbara be affixed to the fifty (50) Contracts in relation to the Panel of Professional Service Providers, being:

- 1) ADG Engineers (Aust) Pty Ltd;
- 2) Advantage Australia Pty Ltd;
- 3) Alliance Power & Data;
- 4) APP Corporation Pty Ltd;
- 5) Ashburner Francis Pty Ltd;
- 6) Aurecon Australia Pty Ltd;
- 7) BG&E Pty Ltd;
- 8) Blue Visions Management Pty Ltd;
- 9) BPA Engineering Pty Ltd;
- 10) Brett David Investments Pty Ltd;
- 11) Cardno WA Pty Ltd;
- 12) Coffey International;
- 13) David White Landscape Architect;
- 14) dmbd Pty Ltd;
- 15) Donald Cant Watts Corke;
- 16) Ecoscape;
- 17) EPCAD Pty Ltd;
- 18) Genova Projects Pty Ltd;
- 19) GHD Pty Ltd;
- 20) Greg Rowe and Associates;
- 21) Halcyon Property Pty Ltd;
- 22) Hawker Moss Surveyors;
- 23) Insight Project Services;
- 24) Inter Engineering Pty Ltd;
- 25) Josh Byrne & Associates;
- 26) Landscape Planners Pty Ltd;
- 27) McDowall Affleck;
- 28) McMullen Nolan Group Pty Ltd;
- 29) Mercury Light Pty Ltd trading as UDLA;
- 30) NS Projects Pty Ltd;
- 31) Paragon Project Management;
- 32) Point Project Management;
- 33) Porter Consulting Engineers;
- 34) Quattro Project Engineering;
- 35) RAD Architecture;

- 36) Robert Bird Group Pty Ltd;**
- 37) RPS Australia East Pty;**
- 38) Savills Project Management;**
- 39) Serling Consulting;**
- 40) SJR Civil Consulting Pty Ltd;**
- 41) SPH Pty Ltd;**
- 42) Thinc Projects Australia Pty Ltd;**
- 43) Town Planning Management Engineering Pty Ltd;**
- 44) Transcore Pty Ltd;**
- 45) Urbis Pty Ltd;**
- 46) Vemtec Pty Ltd;**
- 47) Vernon Design Group;**
- 48) Vigilante Landscape Architecture Pty Ltd;**
- 49) Whelans (WA) Pty Ltd; and**
- 50) WML Consultants.**

**10.2.4 AFFIXING COMMON SEAL TO BHP BILLITON PTY LTD COMMUNITY
DEVELOPMENT PROJECT CONTRACT AGREEMENT - NEWMAN
EVENTS 2012/1109 SCHEDULE A-B-C-D**

File Ref: LEG-15-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Newman
Name of Applicant: BHP Billiton Iron Ore Pty Ltd & Shire of East
Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to a BHP Billiton Community Development Project Contract Agreement for the management and organisation of BHP Billiton Events for the financial year 2013 and 2014 for an amount of \$750,000 + GST of \$75,000 for a total amount of \$825,000.

BACKGROUND

The project is a result of discussions held with Shire of East Pilbara and BHP Billiton Iron Ore (BHPBIO) in relation to how they support the communities that they operate in, particularly in relation to their investment in community events.

In 2011 & 2012 BHPBIO funded a variety of community events namely the Twilight Movie Series, the Outback Fusion Festivals and the Concert Series.

In an attempt to increase the longevity of these events and to continuously improve them, the Shire and BHPBIO have been in discussions about ways for these events to take on a greater community focus and participation. With an increased level of involvement and support by the Shire, these events would be recognised by funding bodies as having a higher level of community ownership, making them eligible for further funding such as the Regional Event Scheme which is administered by Tourism WA. Similarly, applications can be made by the Shire to funding sources which are targeted to Non-Government Agencies and local government authorities such as Office of Multicultural Interests, Department of Culture and Arts and Lotterywest. Hence, this is an opportunity for the Shire to assist in the management of these events, allowing further funding streams to be accessed during the two year time frame of the contract period.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the limited experience of Shire staff in large scale event management projects, the Shire of East Pilbara intends to advertise the Request for Tender to manage these events.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No.: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

All documents validly executed will have the common seal affixed and the 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.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.3 Community Planning

1.3.1 Continue Implementation of the Newman Tomorrow: A Home for Generations document.

Financial Implications

The funding for this project was received from BHPBIO after our 2012/2013 budget was approved; therefore the request to receive this funding is required from Council.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara to a BHP Billiton Community Development Project Contract number 20121109 for the management and organisation of BHP Billiton Events for the financial year 2013 and 2014 for an amount of \$750,000 + GST of \$75,000 for a total amount of \$825,000.

10.2.5 REQUEST FOR TENDER - NEWMAN EVENTS

File Ref: LEG-13-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Newman
Name of Applicant: Shire of East Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to invite tenders for the management and organisation of the Newman Events project.

BACKGROUND

A commitment in the form of a contract, has been recently received by the Shire of East Pilbara from BHP Billiton Iron Ore (BHPBIO). This contract is for the management and organisation of the Newman community events that BHP support. The contract is for the 2013 and 2014 financial years and is of the amount of \$825,000 in total.

COMMENTS/OPTIONS/DISCUSSIONS

This funding was not planned for in the Shire's 2012-2013 budget process and thus has not been approved. It is the intention of the Shire to manage and be responsible for this contract amount, but not to undertake the actual hands on day to day organisation that is required to manage the community events that are included within this contract. Thus, the Shire is requesting to invite tenders from suitable suppliers to deliver the management and organisation of the Newman Events as stated in this contract. The delegated authority given to the CEO to approve a tender request as stipulated in the Shire of East Pilbara Delegation Manual *5.16 Making of the Decision to Invite Tenders*, is not applicable in this case as it was not planned for in the current Shire budget. Therefore, a tender request of this nature must be sought and approved by Council.

STATUTORY IMPLICATIONS/REQUIREMENTS

Schedule 21 (1) *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities.
A greater than 90% compliance achievement in the annual compliance audit

Community Strategic Plan

Social - Planned Action

- 2.1 Health and Recreation
2.1.3 Encourage high rates of participation in community activities and events
2.4 Diverse and Inclusive communities
2.4.1 Promote diverse, harmonious and caring communities

Community Wellbeing Strategy

6.1 Priority Area One

3. "Employ or appoint a Coordinator of Community Services with responsibilities such as, but not limited to; Coordinator of council and community activities"

6.3 Priority Area 3 – Vibrancy, Diversity and Inclusion

25. Identify and maximise opportunities for cultural expression, involvement and celebration through a range of actions and initiatives such as: public art; community events.

Art and Cultural Strategy

Strategic Objective 1: To develop connections across diverse communities within the East Pilbara

- 1.5 Establish an annual festival where a diverse range of cultural groups with the East Pilbara present their cultural heritage.

Strategic Objective 3: To build community cultural expression and creativity in the East Pilbara

- 3.4 Develop an ongoing program of music concerts that utilise a variety of spaces/places around the shire.

Cultural Recognition Project

Model 7 – Cultural Festival

An event or series of events, both indoor and outdoor that encourage the whole community to celebrate the different cultures of Newman.

FINANCIAL IMPLICATIONS

The funding for this project was received from BHPBIO after our 2012/2013 budget was approved; therefore the request to receive this funding is required from Council.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve the request to invite tenders for the provision of festivals and events for the township of Newman.

10.2.6 BUDGET REVIEW AS AT 31 JANUARY 2013

Attachments:	Budget Review 2012-2013 final.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, including the creation of three new reserves.

BACKGROUND

This report outlines projected variance with the 2012/2013 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 2012/2013 budget.
2. A reconciliation of projected actual capital expenditure against the 2012/2013 budget.
3. Projected net assets as at 30 June 2013.

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

Interim rating is up significantly in both the GRV and UV categories. This is due to new assessments being created including accommodation villages.

Governance – Function 4

Local Government Reform costs have been higher than budgeted. There will be a significant overspend in this area.

Community Amenities – Function 10

Both tip fees and liquid disposal fees are significantly up on budget. Planning applications down on budget. The net effect has been significantly more income in this area than expected.

Recreation and Culture – Function 11

Significant reduction in capital works. This work will be bought forward into the 2013/14 budget for consideration by Council

Economic Service – Function 13

Building licences are significantly down on budget.

All areas not specifically mentioned remain on budget targets.

Excluding noncash items and funding programmes a surplus of approximately \$2,000,000 is currently forecast. This is due mainly to tip and liquid waste additional income and an increase in rateable properties for both UV and GRV categories. However both building and planning fees are down significantly on budget and on prior years. The following additional expenditure in capital is submitted for consideration by Council:

New Capital Expenditure		
Coordinator Building – 4WD		46,000
Land Purchase – Homestead Ramble, as resolved at February Council meeting		335,000
Boomerang Oval Storage Facility		250,000
Lions Park Fencing		180,000
Newman Visitors Centre Glass Replacement		50,000
Access Gates – Newman Recreation Centre		6,000
Capricorn Oval WW Tank Sewer Connection		10,000
Youth Centre Capital Purchases – Furniture & Equipment		2,500
Marble Bar Depot Accommodation		30,000
Existing Capital Expenditure -	Existing	Additional
Moondoorow Housing	1,500,000	500,000
Marble Bar Memorial	100,000	50,000
Weighbridge – Newman Landfill	150,000	20,000
Newman Community Centre – Disabled Toilets	60,000	60,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		1,539,500

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

It is expected that Council will bring forward a surplus of approximately \$37,200 into the 2013/2014 year if additional expenditure is authorised.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

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

New Capital Expenditure		
Coordinator Building – 4WD		46,000
Land Purchase – Homestead Ramble, as resolved at February Council meeting		335,000
Boomerang Oval Storage Facility		250,000
Lions Park Fencing		180,000
Newman Visitors Centre Glass Replacement		50,000
Access Gates – Newman Recreation Centre		6,000
Capricorn Oval WW Tank Sewer Connection		10,000
Youth Centre Capital Purchases – Furniture & Equipment		2,500
Marble Bar Depot Accommodation		30,000
Existing Capital Expenditure -	Existing	Additional
Moondoorow Housing	1,500,000	500,000
Marble Bar Memorial	100,000	50,000
Weighbridge – Newman Landfill	150,000	20,000
Newman Community Centre – Disabled Toilets	60,000	60,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		1,539,500

- 3. Authorise the creation of three new reserves as follows:**
 - i. Martumili Artists Operations**
To hold and utilise the surplus funds from the Martumili Artist operations
 - ii. Moondoorow Community Housing Project**
To hold and utilise the allocation of money for the completion of the Moondoorow Housing Project

- iii. **Newman Depot Development**
For the upgrading, maintenance and enhancement of the Newman Depot including land purchase
- 4. **Authorise advertising of the new reserves in accordance with Section 6.11 of the Local Government Act 1995.**

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

**10.2.7 COMMUNITY ASSISTANCE GRANTS- JANUARY 2013- ROUND TWO
(2012-2013) FINANCIAL YEAR**

File Ref: CSV-9-4-2
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Keesha Booth
Coordinator Community Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the Community Assistance Grants received for Round Two of the 2012/2013 financial year.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

This round the Shire of East Pilbara received nine (9) applications from community groups and sporting clubs whom are all based in Newman. Four (4) applications met the required criterion, and are as follows:

1. Newman Junior Soccer Association
2. Newman MainStreet Project Inc.
3. Newman Women's Shelter Inc.
4. Pioneer Football & Sporting Club

To assist in the assessment of each application, each will be reviewed individually.

Newman Junior Soccer Association

The Junior Soccer Association has been a fundamental organisation that provides the promotion, control and management of the game of soccer in Newman. Their current funding application requests \$5,000 in kind donation to assist in hosting the North West Inter town Soccer Championships in 2013. This is an annual competition between Newman, Port Hedland and Karratha, which attracts hundreds of junior sports competitors and families. This event will showcase the skills of the Newman and other Northwest teams/players which is the lead up tournament for Country Week Soccer held in Perth in October 2013.

This application is supported by a budget which shows the club's financial contribution to be \$16,600. In addition, they have also sourced funding from BHP Billiton for the value of \$5,000. If Council approves their grant application, the Newman Junior Soccer association will acknowledge the Shire of East Pilbara, via promotional signage of the event and media articles related to the event.

Newman MainStreet Project Inc.

This year Newman MainStreet Project Inc. has applied for funding for International Women's Day 2013. They have requested \$3,000 cash donation to support this special event which aims to increase a sense of belonging and community amongst women in Newman. Newman MainStreet Project Inc. has sourced additional funding from BHP, Lend Lease, Local Sporting Clubs, Mia Mia and have estimated the contribution of their in kind support to the value of up to \$5,000.

Newman MainStreet Project Inc. has previously applied for Community Assistance Grants in which all grants were acquitted successfully. If Council approves their grant applicant Newman MainStreet Project Inc. will acknowledge the Shire of East Pilbara via promotions flyers, tickets will have the Shire logo on them with verbal acknowledgement at the event.

Newman Women's Shelter Inc.

The Association has been active for 13 years and has provided a shelter for women dealing with Domestic Violence in the Newman and broader communities. Newman Women's Shelter have requested a \$4,000 donation to assist in improving community health and safety to Parnpajinya Aboriginal Community. They have requested assistance for the sweeping up of broken glass in the streets in the Parnpajinya community, control weeds around the community shed and public areas, to address issues with snakes, vermin. This will improve ease of rubbish collection by Martu employees of the Alcohol Diversion Program and reduce fire hazards. Newman Women's Shelter Inc. will be funding 50% of the project with a total budget of \$8,000.

If Council approves their grant application Newman Women's Shelter Inc. will acknowledge the Shire of East Pilbara via signage on the Parnpajinya community shed.

Pioneer Football & Sporting Club

The Pioneer Football & Sporting Club are requesting a \$5,000 grant for the beautification of the club house facilities and to upgrade their bar and food preparation area, ensuring it complies to legislation. Their current club house is thirty (30) years old. Their total budget for the project is \$25,000 in which the club will be spending \$20,000 for refurbishments. This project aims to ensure the sustainability of the club by being able to sell food and beverages.

This is the first grant application received by the club and if approved by Council, they will acknowledge the Shire of East Pilbara at the official opening of the facility upgrade and have the Shire logo on their new facility signage.

Eligible community groups have been contacted about their applications and the possibility of their requests not being fulfilled completed due to the competitive nature of the programme. Some applicants were unclear about the difference between cash and in-kind support and advised they would prefer to receive the exact amounts of their original request. However, each organisation indicated they would be most appreciative of any support given to them.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 – Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.4 Recreational

- 2.4.3** Develop and implement events and programs that promote a healthy lifestyle and wellbeing.
Continuing role
How funded – Municipal Funds and funding opportunities
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. The funds for approved grants will be accessed by GL#81040.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION:

THAT Council:

- 1. Approve a Community Assistant Grant of \$2,000 in-kind contribution to Newman Junior Soccer Association to assist with the North West inter town Soccer Championships to be hosted by Newman.**
- 2. Approve a Community Assistant Grant of \$2,000 cash contribution to Newman MainStreet Project Inc. to assist in hosting the International Women's Day held in Newman.**
- 3. Approve a Community Assistant Grant of \$2,000 cash contribution to Newman Women's Shelter Inc. to assist with the community development project to beautify and improving community health/safety to Parnpajinya Aboriginal Community.**

- 4. Approve a Community Assistant Grant of \$2,000 cash contribution to Pioneer Football & Sporting Club to assist in the beautification of the club house facilities and to upgrade their bar and food preparation area to ensure it complies with health and safety legislation.**

**10.2.8 CONSIDERATION OF CSRFF APPLICATION MADE BY WESTERN
DESERT SPORTS COUNCIL INC.**

File Ref: ORG-39-1

Attachments: CSRFF Small Grants Application Form
Nullagine Oval Power Point Presentation

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Community Wellbeing

Location/Address: Irrungadgi Community

Name of Applicant: Western Desert Sports Council Inc.

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the CSRFF funding application presented by the Western Desert Sports Council Inc.

BACKGROUND

The WA State Government through the Community Sport and Recreation Facilities Fund (CSRFF) provides \$20 million annually, for community sporting groups and local governments, to seek financial assistance for the development of basic sport and recreation infrastructure. Priority is given to projects that lead to facility sharing and rationalisation. As part of the CSRFF process, the Shire of East Pilbara performs the initial assessment of all applications lodged in the East Pilbara region. The Shire is requested to rank the relative importance of each project submitted, and determine their ability to meet identified community need.

The Western Desert Sports Council Inc (WDSC) is a relatively new organisation, formed in 2012 and comprises representatives from eight communities: Parnngurr, Punmu, Warralong, Jigalong, Kiwirrkurra, Nullagine, Kunawarritji and the town of Marble Bar. WDSC's mission is to contribute to healthy lifestyles of Indigenous people in the Western Desert through planning, organisation and facilitation of a sustainable sport and recreation program across the Martu communities.

In 2012, BC Iron and Newcrest Mining funded the feasibility study of the proposal to grass the dirt oval at the Irrungadgi Aboriginal Community. Jeff Allot, Landscape Manager, Cardno SPLAT and Gae Synnott, Owner, Synnott Mulholland Management Services Pty Ltd are the appointed consultants, whom prepared all documentation. The study includes the proposal to install an irrigation system with independent bore, turfing works, perimeter demarcation (using large boulders), and electrical connections which will enable later installation of lighting and other site facilities. It was presented at a Nullagine community meeting on the 15th August 2012 and both Shire of East Pilbara staff and Department of Sport & Recreation staff were in

attendance. This information was also presented informally at the December 2012 Council meeting by WDSC Chairperson Leon Van Erp and Newcrest Sports Officer, Mike Plumb.

COMMENTS/OPTIONS/DISCUSSIONS

On the 13th November Gae Synnott met with Shire of East Pilbara staff including the CEO, to discuss the merits of the proposal and to ascertain what, if any support the WDSC could expect from the Shire. An offer was made for the WDSC to begin the information sharing stage of the project. Arrangements were made for WDSC members, Michael Plumb and Leon Van Erp, to attend the December 2012 Council meeting and present the Feasibility Study to the Council, which is **attached** for reference.

Since this meeting, issues to be addressed by WDSC such as land tenure, funding commitments between, and by, major stakeholders, and a detailed financial plan that includes ongoing specific costings, particularly ongoing maintenance and ongoing repairs, are yet to be finalised and remain unanswered.

On Wednesday 27th February 2013, Shire staff received correspondence from Gae Synnott requesting endorsement of the WDSA's funding application to the CSRFF for financial assistance of \$15,000 to be matched dollar for dollar by Newcrest Ltd for the cost of preparing a design consultancy brief to include:

External Works Design

Coordination plus Design and Construction Documentation of all works associated with the Oval Redevelopment

Town Planning

Application Process

Electrical Engineering

Design and Construction Documentation for Electrical Engineering Services

Irrigation Design

Design and Construction Documentation for Irrigation System

Whilst there is tremendous verbal support of the grassing of the Irrungadgi Community oval from major stakeholders such as:

- Nullagine Police – who see the value of an upgraded facility allowing more activities to be offered to build community participation;
- Mining companies local to the area – who see that improved community health and wellbeing will contribute to community sustainability.
- V-Swans – who see the grassing of the oval as critical to ensuring that geographical location doesn't disadvantage sport participation. In short, they see it as a tool to connect more Martu to the V-Swans talent academy and as

a venue to host a player and coach education event/talent carnival event outside the major towns in Pilbara.

A detailed business case of the proposal, highlighting the issue mentioned above, is yet to be presented to the Shire for initial endorsement.

The Department of Sport & Recreation (DSR) refers to a Council's consideration of a CRSFF submission in their independent assessment of each application. By acknowledging this application, this demonstrates to the Department that Council is supporting this particular submission.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 – Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.1 Young People/Youth (8 to 18 or 25)

2.2.1 Work with service providers to identify programs, activities and facilities that could be of benefit.

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That Council does not support the Western Desert Sports Council Inc. CSRFF small grant application at this time due to information requested, relating to land tenure, funding commitments between, and by, major stakeholders, not being supplied, making it impossible for Council to make an ultimate decision on this application.

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

10.2.9 COMPLIANCE AUDIT RETURN 2012

File Ref:	LEG-1-11
Attachments:	rptCARFullReturnCopy.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Angela McDonald Manager Finance and Administration
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 2012 to 31 December 2012.

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

The 2011 changes addressed issues raised in a number of reports that proposed a review of the Department's Compliance Audit Program, including the Public Accounts Committee Report No. 4 into Local Government Accountability (2006), the Department of Treasury and Finance's Red Tape Reduction Group Report (2010) and the Local Government Reform Steering Committee (2010). These reports raised issues regarding the compliance reporting burden placed on local governments resulting from the requirement to complete a comprehensive CAR and submit it to the Department by 31 March each year.

A further change to regulation 14 requires that the local government's Audit Committee now reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

Further complementary changes to the *Local Government (Audit) Regulations 1996* are proposals to expand the role for local government Audit Committees. It is proposed the Audit Committees' role will additionally encompass the annual review of areas such as risk management, internal control and legislative compliance. These matters have yet to be completed by the Department of Local Government, and they do apply for the 2012 CAR report.

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	16	0	0
Disposal of Property	2	0	0	2
Elections	1	1	0	0
Finance	15	10	1*	4
Local Government Employees	5	2	0	3
Official Conduct	6	5	0	1
Tenders for Providing Goods and Services	15	8	0	7
TOTAL	78	49	1	28

[* NOTE: The only non-compliance relates to the receipt by Council of the Auditor's report by 31 December 2012. That report was considered by Council's Audit Committee on 13 December 2012, but was too late to be considered at the ordinary meeting of Council in December 2012. Further, there was no Council meeting in January 2013, which could have enabled the statutory timeframe to be met.]

High compliance has been achieved, with the "Yes" answers representing 49 out of 50, or a 98% achievement rate.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“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

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Note the issue of non-compliance; and
2. Adopt the Compliance Audit Return for the calendar year of 2012.

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

10.2.10 MONTHLY FINANCIAL STATEMENTS JANUARY 2013

File Ref: FIN-23-5
Attachments: [Council Monthly Report Jan 13.pdf](#)
[January Variance Report.doc](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Angela McDonald
Manager Finance and Administration 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 11-page report details the financial activities of the Council for the period July 2012 to January 2013 of the 2012/2013 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as per attached variance report.

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 July 2012 to January 2013 of the 2012/2013 financial year as presented be received.

10.2.11 CREDITORS FOR PAYMENT

File Ref: FIN 10-2
Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Candice Porro
Expenditure Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 8th February 2013.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT18360-EFT18776	3,148,918.46
	Total	\$3,148,918.46
Cheque Payments	21913-21996	498,362.22
Written Chq Payments	59-68	39,831.90
	Total	\$538,194.12
	GRAND TOTAL	<u>\$3,687,112.58</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
21951

CANCELLED CHEQUES & EFTS
EFT18527,EFT18575,EFT18677, 21927

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 \$3,687,112.58

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT18360-EFT18776	3,148,918.46
	Total	\$3,148,918.46
Cheque Payments	21913-21996	498,362.22
Written Chq Payments	59-68	39,831.90
	Total	\$538,194.12
	GRAND TOTAL	<u>\$3,687,112.58</u>

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

10.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**10.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISIONS - FEBRUARY 2013**

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 Encourage community participation in the decision making processes undertaken by the Shire

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Director Technical and Development Services report for February 2013 be received.

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

15 MARCH, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Gathering of information to be included on signs/plaques	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS	Technical Services to review requirement of tender & length of contract before re-tendering	Pending
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
27 April 2012	13.10	TREE PLANTING FOR MAIN ENTRANCE - NULLAGINE Cr Darren Bennetts asked if trees can be planted at the main entrance into Nullagine. Technical Services to follow up.	MTS-R	This area is within the Main Roads Reserve and as such will require approval from Main Roads. Approval and or comment has been requested from Main Roads to plant trees within the road reserve. Awaiting response. Council to confirm if only required at town entry points?	In Progress
25 May 2012	13.3	WELSH DRIVE Cr Shane Carter said from Mia Mia to Klondyke Place the road has double white lines, as BHP have the bus stop and when the bus stops people go over the white line and going into the path of oncoming traffic.	DTDS MTS -N	Bus Stop location will be further investigated by new Manager Tech Services – Newman Operations.	Pending
22 June 2012	13.5	MARBLE BAR ROADS GRADING Cr Lang Coppin gave a letter to Mr Rick Miller, Director Technical and Development Services from the Marble Bar Tourist Association regarding the grading of roads and putting up	MTS-R	Technical Services to assess signage request and action as required. Locations and roads to be investigated to determine responsibility and ownership. Some signage has been installed. An assessment has	In Progress

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

15 MARCH, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		various directional signage. Mr Rick Miller, Director Technical and Development Services to follow up.		been completed to determine roads/tracks/signs which fall under the ownership /responsibility of Council.	
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	DTDS	Tenure of land and alignments to be investigated and feasibility assessed	In Progress
7 December 2012	9.3.8	PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 18	MDS-P	To be advertised & returned to Council March 2013	July 2013
7 December 2012	13.1	MARBLE BAR CATHOLIC CHURCH Cr Stephen Kiernan asked if a letter could be written to the head of the WA Catholic Church to ask if repairs could be done to the Catholic Church in Marble Bar as it is dangerous and falling apart. Cr Stephen Kiernan believes it could be Heritage listed.	DTDS MDS-B	The Bishop advises that a contractor has been engaged to carry out repairs in March 2013	March 2013
7 December 2012	13.4	WOOLWORTHS ADVERTISING SIGN Cr Shane Carter said the large Woolworths advertising sign has been damaged and appears to be in dangerous condition could staff follow up the matter.	MDS-P	On Going	On Going
8 February 2013	13.6	NEWMAN AIRPORT – RUBBISH/CCTV Cr Shane Carter would like to see more policing at Newman Airport as people are not disposing their rubbish in bins but leaving it scattered on the ground or even on the ticket machines. People are also drinking in the car parks and leaving their bottles around the place. There may need more CCTV around the airport to	DTDS	<ul style="list-style-type: none"> • Temporary extra litter patrols & bins has been put in place. • Extra CCTV & lighting is being costed 	On Going

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

15 MARCH, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		monitor this type of behaviour and more policing.			
8 February 2013	13.8	<p>NEWMAN SHOPPING CENTRE CAR PARK – MOTHERS WITH PRAMS</p> <p>Cr Doug Stead has asked if shade sail can be put over the car parks for mothers with prams as the wide car parks allocated for this purpose have no shade or if it was possible to move the signs and allocate parking in the shaded sail area.</p> <p>Director Technical and Development Services to follow up.</p>	DTDS MTS-Newman	Options being costed and investigated	March 2013
8 February 2013	13.9	<p>ALLOCATED PARKING FOR NEWMAN AIRPORT STAFF</p> <p>Cr Gerry Parsons raised an issue brought to her attention regarding allocated parking for Newman Airport Staff Parking as it has been raised it could become a safety issue when staff are walking to and from their vehicles especially at night as it is very dark, and staff parking are not together so you do not know who could be waiting. Is it possible for Newman Airport staff to have allocated parking, and also next to lighting so staff members can walk together to their vehicles and feel safe?</p> <p>Director Technical and Development Services to follow up.</p>	DTDS MAS	Options being costed and investigated	April 2013
8 February 2013	13.10	<p>POTHOLE BETWEEN NEWMAN PRIMARY AND NEWMAN FURNITURE SHOP</p> <p>Cr Lynne Craigie has asked if a pot hole beside the road between the</p>	DTDS	Maintenance request raised and passed on for action	March 2013

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

15 MARCH, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Newman Primary School and Newman Furniture shop can be repaired. Director Technical and Development Services to follow up.			

10.3.2 PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 21

File Ref: PLN-2-2-21
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: URBIS on behalf of Landcorp
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required with regards to the initiation of an amendment to Town Planning Scheme No. 4.

BACKGROUND

Council is in receipt of an application for the request to amend the Shire's Town Planning Scheme No. 4 (the Scheme) for the following purposes:

1. Rezone portions of Unallocated Crown Land (Part Lots 400, 401 and Lot 600) from a 'Community and Cultural Purpose' Zone and a 'Rural' Zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.
2. Rezone a portion of Unallocated Crown Land (Part Lot 17) from a 'Rural' Zone to an 'Industrial' zone, as indicated on the Scheme Amendment Map.
3. Extend the existing Newman Townsite Boundary to the north and west to facilitate development of various residential and industrial development sites, as indicated on the Scheme Amendment Map.

The land the subject of this application is all currently Unallocated Crown Land (UCL) with the land proposed for Industrial purposes also being constrained by mineral tenements. Unlike proposed Amendment 20, the majority of the land as part of this amendment is constrained by one or more factors such as mining, Native Title etc.

COMMENTS/OPTIONS/DISCUSSIONS

Local Planning Strategy:

The Shire's existing Local Planning Strategy does not identify future development over the areas the subject of this application, however; this does not preclude such areas from development where other strategic documents have identified the potential for development.

Newman Revitalisation Plan:

The Townsite Growth Plan, which forms part of the revitalisation plan, recognises the development of the north Newman surrounds for low to medium density residential development of which the proposal is consistent with. However, the growth plan does not currently suggest the expansion of the Industrial zone as requested by this proposal. However, it is evident that the supply of Industrial land is critical to the further development of the Shire as a whole and therefore the location of the proposed industrial expansion is considered practical. The industrial expansion also formed part of talks undertaken at the workshop held at the Shire offices in late October 2012.

While the proposal does not reflect that of the endorsed growth plan, it is considered that the proposal is still consistent with the intent and objectives of the growth plan and therefore generally consistent.

Town Planning Scheme No. 4:

With regards to residential development, the proposal aims to rezone land currently zoned both Community and Cultural purposes and Rural to Residential Development Zone. The land the subject of the residential rezoning is vacant undeveloped land and therefore suitable to be rezoned in large portions for development. There are no implications perceived associated with the proposed rezoning.

As with the residential above, the land to be rezoned to Industrial is situated adjacent to the existing Industrial expansion zone and adjoining the Speedway and Moto-Cross. This land has been considered due to its relatively flat nature and distance from existing residential areas. There are no perceived implications associated with the proposed rezoning.

Both the areas the subject of this application will be required to have a Structure Plan prepared over such areas prior to the subdivision and development of the land. It is noted that proposed amendment 20 already deals with the introduction of such provisions into the Scheme therefore this amendment would be acceptable to proceed on such basis.

Servicing:

Servicing reports are yet to be prepared for the proposed development of such land, however; it is considered appropriate that this can be undertaken during the detailed Structure Plan process.

Conclusion:

Given that the land deals with vacant UCL and the proposal to rezone such areas is generally consistent with the Newman Revitalisation Plan, it is considered appropriate for Council to support the initiation to amend the Scheme the subject of this application.

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. Should initiation be granted to the proposal, the prior consideration by the

Environmental Protection Authority (EPA) is required. 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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. 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:**
 - a. Rezone portions of Unallocated Crown Land (Part Lots 400, 401 and Lot 600) from a 'Community and Cultural Purpose' Zone and a 'Rural' Zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.**
 - b. Rezone a portion of Unallocated Crown Land (Part Lot 17) from a 'Rural' Zone to an 'Industrial' zone, as indicated on the Scheme Amendment Map.**
 - c. Extend the existing Newman Townsite Boundary to the north and west to facilitate development of various residential and industrial development sites, as indicated on the Scheme Amendment Map.**
- 2. Numbers the proposed amendment No. 21 and forwards such amendment to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 prior to advertising in accordance with the Town Planning Regulations 1967;**

**10.3.3 APPLICATION TO KEEP MORE THAN TWO DOGS - MRS HAYLEY
LINDEN, 3 WINDAMARRA CRES, 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: 3 Windamarra Crescent, Newman WA 6753
Name of Applicant: Mrs Hayley Linden
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 3 Windamarra Crescent, Newman 6753

BACKGROUND

Mrs Hayley Linden has made an application to Council under Section 26 of the *Dog Act 1976* to keep three dogs on the premises at 3 Windamarra Crescent, Newman. 6753

In the application three dogs are registered to Mrs Hayley Linden at the above address, namely "Rocky", a male Chihuahua registration R3940, "Tiger", a male Chihuahua registration R3941. The third dog forming part of this application is a female Fox terrier, "Candi" registration R3942.

COMMENTS/OPTIONS/DISCUSSIONS

Reasons for keeping more than two Dogs:

In this application Mrs Linden states *"We lost our dog "Duchess" due to illness. "Candy" our other dog is 15 years old, we thought it would be good to get another puppy. We found two Chihuahua puppy's and got them as "Candy" does not have long and if anything happens the pups will have each other"*

As part of the application process seven surrounding residents were consulted on this matter and a notice placed on the Public Notice Board, a positive outcome achieved with all residents surveyed supporting the application and no reports from the Public Notice Board.

Dog History:

There are no offences on our records.

Complaints: Nil

Property Inspection:

A full inspection was carried out by Council Rangers at the premises on 26th February 2013. 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(3)
Shire of East Pilbara Dogs Local Law 2011 clause 3.2 (2)

The *Dog Act 1976* allows the Shire to control the number of dogs by gazetting Local Laws. The *Shire of East Pilbara Dogs Local Law 2011* allows for 2 dogs over the age of three months and the young of those dogs on premises in a town site.

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

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

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the keeping of three (3) dogs at 3, Windamarra Crescent, Newman subject to the following conditions:

- 1. All dogs are to be registered with the Shire of East Pilbara at all times.**
- 2. Only the dogs specified in the application to be kept at the nominated address. Any changes to these circumstances requires reapplication.**
- 3. Fencing must be maintained such that all dogs are confined within the property according to the provisions for the Dog Act 1976 (As Amended) and Shire of East Pilbara Dogs Local Law 2011.**
- 4. Any contravention of the Dog Act 1976 (As Amended) or Shire of East Pilbara Dogs Local Law 2011 is reason for immediate, "on the spot", revocation of this permission.**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission.**

**10.3.4 APPLICATION TO KEEP MORE THAN TWO DOGS – MR SHANON
CATSICAS. 24 CULLDORAH ST 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: 24 Culldorah St. Newman, WA. 6753
Name of Applicant: Mr Shanon Catsicas
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 24 Culldorah St. Newman 6753

BACKGROUND

Mr Shanon Catsicas has made an application to Council under Section 26 of the *Dog Act 1976* to keep three dogs on the premises at 24 Culldorah St. Newman. 6753

In the application two dogs are registered to Mr Shanon Casticas at the above address namely "Milly" a female Ridgeback Cross, registration R3956 and "Roxy" a female Jack Russell, registration R3961. The third dog forming part of this application is a male Shih Tzu cross.

COMMENTS/OPTIONS/DISCUSSIONS

Reasons for keeping more than two Dogs:

In this application Mr Catsicas states "*We have bought the three dogs over from the East. The Shih Tzu cross is 15 years old, not long left in him*"

As part of the application process seven surrounding residents were consulted on this matter and a notice placed on the Public Notice Board", a positive outcome achieved with all residents surveyed supporting the application and no reports from the Public Notice Board.

Dog History:

There are no offences on our records.

Complaints: Nil

Property Inspection:

A full inspection was carried out by Council Rangers at the premises on 20th February 2013. 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(3)
Shire of East Pilbara Dogs Local Law 2011 clause 3.2 (2)

The *Dog Act 1976* allows the Shire to control the number of dogs by gazetting Local Laws. The *Shire of East Pilbara Dogs Local Law 2011* allows for 2 dogs over the age of three months and the young of those dogs on premises in a town site.

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

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

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the keeping of three (3) dogs at 24, Culldorah St Newman subject to the following conditions:

- 1. All dogs are to be registered with the Shire of East Pilbara at all times.**
- 2. Only the dogs specified in the application to be kept at the nominated address. Any changes to these circumstances requires reapplication**

3. Fencing must be maintained such that all dogs are confined within the property according to the provisions for the *Dog Act 1976* (As Amended) and Shire of East Pilbara Dogs Local Law 2011.
4. Any contravention of the Dog Act 1976 (As Amended) or Shire of East Pilbara Dogs Local Law is reason for immediate, “on the spot”, revocation of this permission.
5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission.

10.3.5 PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 20

File Ref: PLN-2-2-20

Attachments: [Scheme Amendment No 20 and 21_18Feb2013.pdf](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Adam Majid
Manager Development Services - Planning

Location/Address: N/A

Name of Applicant: URBIS on behalf of Landcorp

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required with regards to the initiation of proposed Town Planning Scheme Amendment No. 20.

BACKGROUND

Council is in receipt of an application for the request to amend the Shire's Town Planning Scheme No. 4 (the Scheme) which includes the following:

1. Rezone a portion of Unallocated Crown Land (Lots 300, 301, 500 and 1656) from a 'Rural' zone and a Special Use 1 – Nursery and Botanical Gardens' and 'Special Use 2 – Animal Sanctuary' zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.
2. Reclassify and rezone portions of Unallocated Crown Land (Lots 302 and 702) from a Local Scheme Reserve – 'Recreation' and a 'Community and Cultural Purpose' zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.
3. Rezone a portion of Unallocated Crown Land (Lot 1640) from a 'Community and Cultural Purpose' Zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.
4. Introduce structure planning provisions applicable to a 'Residential Development' zone, at Clause 5.18 of the Scheme.
5. Delete Clause 5.8.2 of the Scheme, and replace it with the following text:
'5.8.2 Subdivision and Development of land within the Residential Development zone shall be in accordance with a Structure Plan adopted by Council and endorsed by the Western Australian Planning Commission, and prepared in accordance with Clause 5.18 of this Scheme'.
6. Delete Clause 5.8.4 of the Scheme, and replace it with the following text:
'5.8.4 Planning applications including the subdivision of land zoned Residential Development will not be considered by the local government until such time as a Structure Plan applicable to the land has been prepared and approved in accordance with the requirements of Clause 5.18 of the Scheme'.

The points above identify the proposed changes to the Scheme which were identified as part of a workshop which was held at the Shire office in late October. The workshop involved some Councillors, key Shire staff in addition to Landcorp and their appointed consultants being Halcyon Property Group and URBIS. The workshop generally identified the priorities for development within the Newman townsite which were the least constrained and able to be developed as a matter of priority.

The areas the subject of this application consists of three (3) distinctive areas which are:

- Unallocated Crown Land (UCL) bound by Great Northern Highway, Newman Drive and Cowra Drive;
- North Newman Reserve at the corner of Kurra Street and Newman Drive; and
- Lot 1640 previously referred to as 'Lazy Lands' on Giles Avenue adjacent to the Golf Club.

COMMENTS/OPTIONS/DISCUSSIONS

Local Planning Strategy:

The Shire's current Local Planning Strategy does not provide future planning strategies over the northern townsite surrounds which form the subject of this application, however; this does not preclude the areas the subject of this application from development where other strategic documents have identified strategies for development.

Newman Revitalisation Plan:

The Newman Townsite Growth plan, which forms part of the revitalisation plan, designates the subject areas as being developed for low and medium density housing as well as some mixed business on Newman Drive at the North Newman Reserve. The proposed amendment is therefore consistent with the revitalisation plan.

Town Planning Scheme No. 4:

The amendment proposes the rezoning of land currently zoned Rural, Community and Cultural, Recreation Reserve and Special Use to the 'Residential Development Zone' which was introduced into the Scheme as part of the planning for the Kurra at Newman estate. The objectives of the Residential Development Zone are:

- *'Provide for the coordinated development of future residential areas through the application of a comprehensive plan to guide subdivision and development, to be known as a 'Structure Plan'.*
- *Provide for predominately residential development, but also including a range of compatible services, consistent with the needs of an integrated neighbourhood, and planned so as to minimise adverse impacts on amenity.*
- *Avoid the development of land for any purposes or at a time when it is likely to compromise development elsewhere in the district prejudice the future development of land zoned Residential Development for more appropriate purposes; and*
- *Take account of the need to protect the amenity and ongoing use of adjacent and nearby land as well as to provide for the need of future residents'.*

The requirements of a Structure Plan for the Residential Development Zone are further discussed under Clause 5.8 of the Scheme which requires a Structure Plan to be adopted as a Local Planning Policy. As part of the preparation of the amendment, the Shire's planning section advised the applicant that this would have to be amended and independent structure planning provisions will have to be incorporated into the Scheme based on advice received from the Department of Planning. The applicant has addressed this requirement which is satisfactory to the Shire's planning section.

The benefits of using the Residential Development zone as a basis for land classification is that it allows for the spatial plan of an area to be developed with a variety of pre-supported uses by way of the Structure Plan. All Structure Plans will need to be approved by Council and subsequently endorsed by the Planning Commission.

Servicing:

As the application is dealing with broad areas of land, a servicing report is still yet to be completed. However, it is anticipated that this will be done in conjunction with the preparation of the detailed Structure Plan. Discussions from the workshop held previously did revolve a lot around the requirement for appropriate drainage corridors to be developed which is currently being considered by Landcorp through its appointed consultants.

North Newman Reserve:

It is important to consider the impacts on the North Newman Reserve independently of the other parcels the subject of this application. Council is aware that North Newman Reserve has a variety of community groups currently engaged in leases on the land along with their respective physical developments. During discussions with Landcorp and its consultants, the advice has been given that the rezoning over the land can occur without affecting the lease of the land to the individual groups. However, the Shire's planning section has also advised that it will not support the development of the Reserve without the support of the various interested groups and that this will have to be undertaken by way of consultation. This will primarily affect the availability of land for residential uses; however, the Shire's planning section has also suggested that the subject area will be highly suited to housing the town's third school. Final plans will be addressed through the Structure Plan which Council will be required to approve, therefore, there is no risk to the existing groups on the site.

Lions Park Precinct:

As per the comments in relation to the North Newman Reserve, the amendment includes the land currently used by the Lions Club and Martu community. Landcorp and its consultants are aware that these parcels will be developed by the Shire and that they will not be available for Residential uses. However, it is beneficial that the subject lots are included into the amendment as it then assists the Shire in implementing plans for the lots without having to arrange its own Scheme amendment at a later date.

Conclusion:

The proposed amendment includes land which is not constrained by Native Title and has the potential to be developed sooner rather than later (subject to planning requirements). It therefore addresses the shortage of land available for Residential and Community purposes which in turn helps the Shire as a whole to reach its expected growth as envisaged as part of the Newman Revitalisation Plan.

From a town planning perspective, the amendment will also address areas of the Scheme where it currently fails to meet the requirements of current day planning processes. It is therefore recommended that council support the initiation of the proposed amendment.

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. Should initiation be granted to the proposal, the prior consideration by the Environmental Protection Authority (EPA) is required. 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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

- 1.6 Planning for Land
 - 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.
 - Ongoing – Lobbying/Advocacy role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. 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:
 - a. Rezone a portion of Unallocated Crown Land (Lots 300, 301, 500 and 1656) from a 'Rural' zone and a Special Use 1 – Nursery and Botanical Gardens' and 'Special Use 2 – Animal Sanctuary' zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.
 - b. Reclassify and rezone portions of Unallocated Crown Land (Lots 302 and 702) from a Local Scheme Reserve – 'Recreation' and a 'Community and Cultural Purpose' zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.
 - c. Rezone a portion of Unallocated Crown Land (Lot 1640) from a 'Community and Cultural Purpose' Zone to a 'Residential Development' zone, as indicated on the Scheme Amendment Map.
 - d. Introduce structure planning provisions applicable to a 'Residential Development' zone, at Clause 5.18 of the Scheme.
 - e. Delete Clause 5.8.2 of the Scheme, and replace it with the following text:
'5.8.2 Subdivision and Development of land within the Residential Development zone shall be in accordance with a Structure Plan adopted by Council and endorsed by the Western Australian Planning Commission, and prepared in accordance with Clause 5.18 of this Scheme'.
 - f. Delete Clause 5.8.4 of the Scheme, and replace it with the following text:
'5.8.4 Planning applications including the subdivision of land zoned Residential Development will not be considered by the local government until such time as a Structure Plan applicable to the land has been prepared and approved in accordance with the requirements of Clause 5.18 of the Scheme'.
2. Numbers the proposed amendment No. 20 and forwards such amendment to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 prior to advertising in accordance with the Town Planning Regulations 1967;

10.3.6 TENDER 2/2012-13 – NEWMAN AIRPORT GA APRON EXTENSION

File Ref: FIN-23-10
Attachments: [RecReport.pdf.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's approval for the acceptance of tenders for the construction of an extension to the Newman Airport General Aviation (GA) Apron.

BACKGROUND

In July 2012 the Department of Transport awarded the Shire of East Pilbara a grant to the value of \$827,000.00 towards the extension of the GA Apron under the Regional Airports Development Scheme (RADS). This grant is a matching grant that requires a 50% contribution from the shire. The total project cost of \$1.654 million was included in the 2012/13 adopted budget.

To expedite the project it was decided to use WALGA approved contractors and to hopefully commence works in January 2013 but this did not occur.

In December 2012 the shire was informed by the department that the actual payment of this grant may have to be deferred until Financial Year 2013/14. Following an internal review of the impact on the airport's cash flow it was decided to suspend any construction until clarity is obtained from the department. On 10 January 2013 the department confirmed that these grant funds will be paid in full within this FY. As all the contractors involved in this project could not be engaged again to ensure a continuous and uninterrupted construction program, the decision was made to invite tenders.

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.

The tender for the expansion of the GA Apron at Newman Airport reflects the increased capacity required to accommodate the increase in GA traffic, apron parking and the number of resident aircraft operators at this airport.

The Shire of East Pilbara engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for Request for Tender 2/2012-13 GA Apron Extension – Newman Airport.

The scope of the engagement included:

- Document Preparation;
- Advertisement;
- Provision of two (2) Evaluators;
- Management of the Evaluation Process; and
- Provision of a Recommendation Report.

The Procurement Consultancy Service of WALGA issued RFT 2/2012-13 GA Apron Extension – Newman Airport on behalf of the Shire of East Pilbara for the engagement of a contractor to construct an extension to the General Aviation (GA) Apron, including four new helipads.

On the 26 of January 2013 the tender for the above works was advertised in The Western Australian Local Government Tender section and the WALGA TenderLink e-Tendering Portal.

The Tender closed on 19 February 2013 at 10:30 am.

The following contractors submitted tenders:

1. AAA Triple A Asphalt;
2. Aerodrome Management Services Pty Ltd;
3. Australian Civils Pty Ltd;
4. BGC Contracting Pty Ltd;
5. Chemps Pty Ltd;
6. Degrey Civil Pty Ltd;
7. Griffin Plant Hire Pty Ltd;
8. Miepol Pty Ltd; and
9. Jago Pty Ltd AFT HR & KD Foulkes-Taylor Family Trust Trading as Reno Blast.

An Evaluation Panel assessed each tender submission and consisted of the following members:

Leon Burger	Shire of East Pilbara	Manager Airport Services
Cheryl Dogru	WALGA	Procurement and Contract Consultant
Craig Grant	WALGA	Procurement Consultant

Each panel member individually read and assessed each tender. The panel convened, discussed the tenders and reached a consensus on the preferred Tenderer.

COMMENTS/OPTIONS/DISCUSSIONS

Compliance Criteria were evaluated on a “Compliant/Partially Complaint/Non-Complaint” basis.

With the exception of AAA Triple A, who did not provide a price schedule, all Tenderers proceeded for Qualitative assessment.

The qualitative criteria for this Request for Tender were:

DEMONSTRATED CAPACITY AND EXPERIENCE - 40%

- a) Provide details of your recent experience in conducting construction projects, including projects values and your role.
- b) Provide details regarding your experience in construction on airport sites.
- c) List your current projects including the percentage completed and the percentage capacity that the projects represent to your organisation including this project (a separate attachment has been provided for this Criterion available in the Response program, Apet 360).
- d) Outline your knowledge and/or experience in performing services in the Pilbara region and your ability to work and maintain Works in the region.

TENDERERS RESOURCES - 20%

- a) Outline how you will determine the suitability of personnel, ensuring relevant skills and experience, including any proposed subcontractors/sub-consultants.
- b) Detail the proposed subcontractors/sub-consultants to be utilised in conducting the Requirements of this Request inclusive of any relevant current registrations and licences held, their intended role and any relevant experience or qualifications held (a separate attachment has been provided for this Criterion available in the Response program, Apet 360).

PERFORMANCE - WEIGHTING 40%

- a) Provide your proposed Project Delivery and Construction Program demonstrating the proposed timeframe to undertake the Works from commencement to completion.
- b) Outline how you will lay out the site - this will take into consideration FOD (foreign object damage). A drawing can be used to demonstrate this.

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

The following table summarises the weightings that were given by the assessment panel to the companies who submitted a tender for the works:

	Weighting	AMS	Australian Civils	BGC	Chemps	Degrey	Griffin Civils	Miepol	Reno Blast
Demonstrated Capacity & Experience	40%	80.00%	71.67%	64.17%	34.17%	59.17%	69.17%	53.33%	27.50%
Tenders Resources	20%	65.00%	75.00%	78.33%	51.67%	75.00%	66.67%	43.33%	31.67%
Performance	40%	90.00%	63.33%	36.67%	15.00%	80.00%	36.67%	55.00%	30.00%
Total		81.00%	69.00%	56.00%	30.00%	70.67%	55.67%	52.00%	29.33%
Ranking		1	3	4	7	2	5	6	8

PRICING ASSESSMENT

The pricing assessment was completed by the Evaluation Panel. As part of the pricing assessment, each tender was evaluated against the established criterion as detailed in the publicly advertised Request for Tender:

- a) the qualitative ranking of each Tenderer;
- b) the pricing submitted by each Tenderer; and
- c) the Principals Regional Price Preference Policy.

Tenderers were required to provide prices on a lump sum basis.

SHORTLISTING PROCESS

The Evaluation Panel considered the Tenderers qualitative scores and submitted Price Schedules. In considering this information the following Tenderers did not progress through to the next stage of analysis due to the value for money represented:

- a) BGC;
- b) Chemps;
- c) Griffin Civil;
- d) Miepol; and
- e) Reno Blast.

TENDERERS SELECTED FOR SHORTLISTING

The following Tenderers proceeded for further consideration:

- a) Australian Management Services (AMS);
- b) Australian Civil; and
- c) Degrey.

SHORTLISTED TENDERERS REVIEW

In order to determine which shortlisted Tenderer presented the best value for money, a comparison of Qualitative scores against price as well as a cost benefit analysis was used. The cost benefit analysis is calculated by dividing the lump sum price by the qualitative score, to derive a cost benefit per percentage point. The lower the Cost Benefit Value, the better benefit to Council. The following table provides the calculation for each of the shortlisted Tenderers:

Tenderer	Price (Excl GST)	Qualative Score	Cost Benefit Value
Aerodrome Management Services	\$1,382,416.00	81.00%	\$17,066.86
Degrey	\$913,249.20	70.67%	\$12,922.73
Australian Civils	\$1,344,967.20	69.00%	\$19,492.28

This analysis clearly demonstrates the value for money provided by Degrey.

BASIS OF RECOMMENDATION

As a result of the series of evaluations undertaken by the Evaluation Panel determining Tenderers compliance profile including any assumptions and alternatives, qualitative scores attained, fee structures and the Principals Regional Price Preference Policy it was considered that Degrey Civil Works has demonstrated the ability to provide the required services to the Shire of East Pilbara for the following reasons;

- Qualitatively Degrey ranked second with a score of 70.67%.
- The fee structure they offered was 33.93% lower than that of Aerodrome Management Services (AMS) who ranked first and 32.09% lower than that of Australian Civils who were ranked third.
- Degrey also qualify for the application of the Regional Price Preference Policy; they have an office based in the Town of Port Hedland, this policy provides Degrey with a further 5% advantage.
- Several critical assumptions were made by the Tenderer; however in the opinion of the Evaluation Panel these assumptions would have no adverse effect on the Shire of East Pilbara. The assumptions are detailed in section 4.1.1 of the attached report.
- The nominated timeframe provided by Degrey is in line with the expectation of the Shire of East Pilbara.

In summary, Degrey has demonstrated best value for money and is best suited to perform the requirements of the Request.

FURTHER CONSIDERATIONS

In addition to the basic contractor costs awarded to the selected tenderer, additional costs associate with this project include:

- Relocation of the airside maintenance shed to the services compound: \$42,800.00.
- Establish and manage a Special Events Zone (SEZ) within the airport security area surrounding the works area: \$14,000.00.
- Engagement of a Works Safety Officer (WSO) to oversee airside works and security compliance: \$38,500.00.
- Total: \$95,300.00.

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

3.2 ASSET MANAGEMENT

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

- 1.5.1 Complete and implement the Newman Airport Master Plan.
October 2009
How funded – Municipal Funds – Airport Operations
Responsible Directorate – Technical Services

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. The 2012/13 adopted budget includes an allocation of \$1.654m. for this project.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council awards Tender 2/2012-13 Newman Airport – GA Apron Extension to DeGrey Civil Pty Ltd for the tendered price of \$913,249.20 exclusive of GST.

Council

TENDER 2/2012-13 – NEWMAN AIRPORT GA APRON EXTENSION

**Recommendation Report attached as a
confidential item**

Item: 10.3.6

Meeting Date: 15-Mar-2013

- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 13 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 14 GENERAL BUSINESS**
- 15 DATE OF NEXT MEETING**
19th April 2013.
- 16 CLOSURE**