



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, 17 MARCH, 2017.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lang Coppin OAM
Cr Michael Kitchin
Cr Anita Grace
Cr Biddy Schill
Cr Craig Hoyer
Cr Shane Carter
Cr Gerry Parsons
Cr Jeton Ahmedi
Cr Dean Hatwell

Deputy Shire President
Councillor
Councillor
Councillor
Councillor
Councillor
Councillor
Councillor
Councillor

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Sheryl Pobrica

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

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Cr Lynne Craigie
Cr John Jakobson

Shire President
Councillor

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 NEWMAN HEALTH CENTRE REDEVELOPMENT

Mr Ron Wynn, Regional Director and Mr Paul Aylward, Directory of Projects. Government of Western Australia will present an update on the redevelopment of the Newman Health Centre Redevelopment.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes February 03 2017 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 3 February 2017, be confirmed as a true and correct record of proceedings.

7.2 CONFIRMATION OF PILBARA REGIONAL COUNCIL MINUTES

[PRC-ORDINARY-COUNCIL-MEETING-17-FEBRUARY-2017-MINUTES.PDF](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Pilbara Regional Council Ordinary Council Meeting held on 17 February 2017, be accepted.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION - FEBRUARY 2017

File Ref:	CLR-4-5
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Sheryl Pobrica Executive Services Administration Officer
Proposed Meeting Date:	17 March 2017

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

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
Division 2 Local governments and councils of local governments
Section 2.7

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Chief Executive Officer “Status of Council Decisions” Report for the month of February 2017 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 th October 2016	13.1	BLOODYSLOW CUP EVENT - SECURITY Cr Craig Hoyer asked the question at the Bloodyslow Cup Event they have no security but if a sporting club would like to run an event then it requires many security personnel which costs too much and yet the police can just have a couple of police officers? Cr Lynne Craigie said she will be having a meeting with the OIC and will ask the question. Mr Allen Cooper, Chief Executive Officer to arrange	CEO	Invited Police to attend OCM 3 rd Feb 2017 Arrange Meeting with New OIC	
9 December 2016	9.1.2	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW	PRESIDENT	Questionnaire distribution to Councillors by President	March 2017
3 February 2017	9.1.3	PRESIDENTIAL CHAIN	CEO	Policy to be presented to Corporate Discussion March 2017	March 2017

**9.1.2 NAMING OF RESERVE NO: 38771 – TOWN SQUARE STAGE 3
NEWMAN TOWN CENTRE REVITALISATION**

File Ref: A417557 – RESERVE 38771
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Proposed Meeting Date: 17 March 2017
Location/Address: Revitalisation Stage 3 – Reserve 38771
10 Lee Lane, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider an appropriate name for Reserve number 38771, 10 Lee Lane, Newman part of the Newman Town Centre Revitalisation program.

BACKGROUND

The Newman town Centre Revitalisation Program has been ongoing for a number of years. The final stage, stage 3, culminates with the creation of a town square.

The development of the town square has now commenced and should be completed in the first half of 2017.

To assist with local identification and marketing it is considered that an appropriate name be identified for the town square up to this time it has been shown on various plans as “Newman Square”. Any name needs to be simple and succinct and be representative of the use.

Names that have been suggested:

Newman Square
The Square
Newman Community Square
Community Square

COMMENTS/OPTIONS/DISCUSSIONS

Council can decide not to name the reserve but it may create confusion with users and the community.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

10.14 – Naming of Parks, Reserves and Buildings



10.14 Naming of Parks, Reserves and Buildings

Responsible Directorate	Technical and Development Services
Responsible Officer	Director Technical and Development Services
File Number	TCH 1-2

Objective

To establish criteria for the Naming of Parks, Reserves and Buildings.

Policy

On request Council will consider the naming of parks, reserves or buildings in honour of the persons considered to have made an outstanding contribution to the community and are considered by Council and the community to be worthy of such an honour.

Where required all naming decision shall be made in accordance with the DOLA - Geographic Names Committee of Western Australia Principles, Policies and Procedures.

Criteria of Assessment

All requests for the naming of Parks, Reserves and Buildings shall be assessed against the following criteria:-

1. Have been instrumental in the development of the facility where the naming of a building is concerned.
2. Be considered to be worthy of such an honour
3. Must have resided in the local community for more than ten (10) years.
4. Have been a member and actively involved in a local service club or voluntary organization or government organization and significantly contributed to the local community. A significant contribution may include:-
 - i. Two (2) or more terms of office on the Shire of East Pilbara Council
 - ii. Fifteen (15) or more years association with a local community group
5. Actions by the individual to protect, restore, enhance or maintain an area that substantially improves the facility to the community.
6. Evidence of works undertaken being of a pioneering nature for the benefit of the community.

Procedure for an Application

All applications shall be made in writing.



All applications shall be deemed as confidential during the consideration process and information will be forwarded to all Council Members in a confidential memo for comment prior to the Council Meeting.

All applications shall include:-

1. Proposed reserve, park or building locations
2. Proposed new name for the facility
3. Date and place of birth and date of passing away if applicable
4. Period of residence in the locality
5. History of the person being honoured
6. An outline of their contribution to the community, including membership of clubs and voluntary organizations
7. Statement of why the person should be honoured
8. Contact details of the person being honoured or their immediate family
9. Proof of agreement by local community member and groups

Notification to the Geographic Names Committee, Department of Land Administration (DOLA)

Requests to name the following shall be forwarded to the Geographic names Committee of DOLA for approval:

1. A naming of a park or reserve
2. A building on an unnamed reserve

Requests to name the following shall be forwarded to the Geographic Names Committee of DOLA for information only;

1. Buildings on a named reserve
2. General building in the community

All requests shall be forwarded to DOLA in accordance with the Geographic Names Committee of Western Australia Principles, Policies and Procedures.

Opening Ceremony

A Plaque and/or sign with the appropriate wording shall be supplied and securely fixed to the facility.

An opening function shall be arranged by Council Administration.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

RISK MANAGEMENT CONSIDERATIONS

In order to assist in recognition of the area an appropriate name is considered necessary. If it is not named appropriately it could create confusion and derogatory names from portions of the community.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council request the Geographic Names Committee approve the name of _____ for Reserve 38771, 10 Lee Lane, Newman.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL
DECISION – FEBRUARY 2017**

File Ref: CLR-4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 17 March 2017
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

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
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 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of February 2017 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
9 December 2016	9.2.6	AMENDMENT TO REGIONAL PRICE PREFERENCE POLICY	CPO	Information Bulletin March 2017	Completed
3 February 2017	9.2.2	AUTHORISATIONS AND DELEGATIONS 2016-2017- VARIOUS AMENDMENTS	CG		Completed
3 February 2017	9.2.3	PROPOSED POLICY AMENDMENTS	CG		Completed
3 February 2017	9.2.4	NEW POLICY 4.15 INTERNAL CONTROLS POLICY	CG		Completed
3 February 2017	9.2.5	COMMITTMENT TO THE FUTURE CONSTRUCTION OF THE NEWMAN FAMILY AND YOUTH SERVICES HUB	MCW		Completed
3 February 2017	11.1.1	AWARD OF RFT 04-2016/17 PROVISION OF CLEANING SERVICES FOR COUNCIL FACILITIES	MAP		Completed

9.2.2 AUDIT COMMITTEE REPORT - 23 FEBRUARY 2017

File Ref:	FIN-23-1
Attachments:	Compliance Audit Return Completed.pdf February 2017.xlsx FINAL East Pilbara Shire 2016 Compliance Audit Return Report 23 January 2016 docx
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Proposed Meeting Date:	17 March 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider recommendations from the Audit Committee.

BACKGROUND

The Audit Committee met on the 23 February 2017 and the minutes of that meeting are attached.

COMMENTS/OPTIONS/DISCUSSIONS

Role of the Audit Committee:

As a requirement of the Local Government Act 1995, the Audit Committee was formed “to provide independent oversight of the financial systems of the local government on behalf of the Council. As such, the committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government’s financial reporting and audit responsibilities.”

STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Audit Committee minutes.

POLICY IMPLICATIONS

Refer to attached Audit Committee minutes.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

RISK MANAGEMENT CONSIDERATIONS

Refer to attached Audit Committee minutes.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council consider the following recommendations as presented by the Audit Committee.

AUDIT COMMITTEE RECOMMENDATION 1

THAT Council adopt the Compliance Audit Return for the Calendar year 1 January 2016 to 31 December 2016.

AUDIT COMMITTEE RECOMMENDATION 2

THAT Council adopt the January financial statements.

9.2.3 BUDGET REVIEW AS AT 31 JANUARY 2017

File Ref: FIN-23-10
Attachments: Budget Review 31 January 2017
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Proposed Meeting Date: 17 March 2017
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 2017.

BACKGROUND

This report outlines projected variances within the 2016/2017 budget, proposed changes to the budget and brief explanation of why the changes are required. Also attached is a nineteen page report detailing projected actual figures to 31 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 2016/2017 budget.
2. A reconciliation of projected actual capital expenditure against the 2016/2017 budget.
3. Projected net assets as at 30 June 2017.

COMMENTS/OPTIONS/DISCUSSIONS

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

The brought forward surplus in the budget varied by \$.

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

General Purpose Funding – Function 3

Rates are currently down on budget by approximately \$200,000 due to mining tenement interims.

Governance – Function 4

Underspend on wages approximately \$140,000

Housing – Function 9

Expenditure reduction of \$100,000

Community Amenities – Function 10

Liquid disposal fees are down on budget by approximately \$1,800,000

Tip fees down on budget approximately \$200,000

Community Amenity expenditure reduced by \$250,000

Recreation and Culture – Function 11

Martumili reduction in income matched by decrease in expenditure.

Economic Development – Function 13

BHP Billiton funding of \$1,000,000 not currently approved. Matched by reduction in expenditure.

Organisational

Savings in total wages approximately \$550,000.

Reduction in programs \$200,000

General Building maintenance reduced by approximately \$350,000

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

New Capital Expenditure		
Newman Aquatic Centre Redevelopment	New	100,000
CCTV Cameras	Additional	10,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		110,000

Capital Items not Undertaken		
Reduction in IT expenditure – moved to reserves	Reduced	180,000
MB Youth Centre Kitchen	Deleted	30,000
MB Refuse Site Improvements	Deleted	40,000
Newman Library Capital Works	Reduced	60,000
Newman Recreation Infrastructure – funded by reserves	Deleted	625,000
Depot Development	Reduced	225,000
Plant – Dog Trailer / Water Cart	Deleted	225,000
LIA Bypass Road	Moved to Operating	30,000
TOTAL CAPITAL WORK NOT UNDERTAKEN		1,415,000

STATUTORY IMPLICATIONS/REQUIREMENTS

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

33A. Review of budget

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

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

Local Government Act 1995 Part 6, Division 4

6.11. Reserve accounts

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

it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

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

RISK MANAGEMENT CONSIDERATIONS

The Budget Review is a mandatory compliance item under the Local Government Act 1995. If a Budget Review is not completed and accepted by Council within specified timeframes Council will be in legislative breach of the Act.

FINANCIAL IMPLICATIONS

If the budget review is accepted by Council it is expected that Council will bring forward a surplus of approximately \$39,200 into the 2017/2018 year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Accept the Budget Review as at the 31st January 2017 as set out;**
- 2. Authorise additional capital expenditure as follows:**

New Capital Expenditure		
Newman Aquatic Centre Redevelopment	New	100,000
CCTV Cameras	Additional	10,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		110,000

9.2.4 COMMUNITY ASSISTANCE GRANTS MARCH 2017

Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Pip Parsonson Manager Community Wellbeing
Proposed Meeting Date:	17 March 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider and make decisions on the Community Assistance Grant funding applications for Round 2 of the 2016/2017 financial year.

BACKGROUND

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

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

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

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

COMMENTS/OPTIONS/DISCUSSIONS

This round, the Shire received four (4) applications from charities and sporting clubs based in the East Pilbara. All four (4) applications met the Shire's Community Assistance Grants eligibility criteria. Details are as follows:

Applicant Organisation	Met Criteria (Yes/No)	Amount Sought	Comment/Description
Empowering People in Communities	Yes	\$5,952.80	Cash and in-kind contributions towards the 2017 East Pilbara Skills and Trade Expo costs.
Red Dirt Blue Sky	Yes	\$6,000.00	Cash contribution towards Horticulturalist Program costs.
Newman Vets Football Club	Yes	\$6,000.00	Cash and in-kind contributions towards the 2017 Newman Vets Celebrity Match costs.
Newman Gymkhana and Polocrosse Club	Yes	\$5,000.00	Cash contribution towards the 2017 40th Annual Gymkhana costs.
TOTAL		\$ 22,953.00	

A summary of each application follows.

Name of organisation	Empowering People in Communities EPIC)				
Activity the organisation is seeking funding for	East Pilbara Skills and Trade Expo				
Funding Details	Amount Requested	Amount Requested			
	\$ 5,952.80	\$ 16,072.80			
Type of fund request	In kind	<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	
Funding sought from other organisations	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If other funding is sought, amount funded from other organisation	\$ 5,400.00				
Previous funding from Shire of East Pilbara	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If yes, amount received and funded years	10/01/2017 - \$500.00 – Grant 1 31/07/2015 - \$2,153.00 – Grant 3				
Funds Acquitted	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Description and purpose of grant	Funds sought will contribute to the 2017 Skills and Trade Expo, an event for organisations and community members. Funding will support the delivery of workshops, key note speakers and activities. The key note speakers will be available all day to liaise with the attendees.				
Target group of project outcome	500 people – community members, those wishing to start businesses, those wishing to re-enter the workforce and students.				

Benefit to East Pilbara Community	The expo will promote the region's businesses and give individuals the opportunity to explore career pathways. It will also allow organisations to work together – several tertiary education providers, local TAFE, community organisations and industry leaders have committed to participate.
Acknowledgement of SOEP	The SoEP logo will be placed on all marketing material, as well as SoEP banners on the event day. Social media promotion will include reference to the Shire.

Name of organisation		Red Dirt Blue Sky			
Activity the organisation is seeking funding for		Martu Farm Horticulturalist Program			
Funding Details		Amount Requested		Total Budget	
		\$ 6,000.00		\$ 14,100.00	
Type of fund request	In kind	<input type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	
Funding sought from other organisations	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If other funding is sought, amount funded from other organisation	\$ 1,700				
Previous funding from Shire of East Pilbara	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If yes, amount received and funded years	14/07/2015 - \$1,000.00				
Funds Acquitted	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Description and purpose of grant	The grant will provide seed funding to commence the transition of the horticultural program at the Martu Farm to a self-sustaining program, which had recently lost its funding. The farm's focus is the marketing of nursery products and the continuation of the nature scape and community gardens.				
Target group of project outcome	The target group is predominantly Martu people – approximately 50 members plus board members and elders. However, members of Newman's broad community, including holiday programs and school groups, are welcome to be involved in the horticultural program.				
Benefit to East Pilbara Community	The Martu Farm provides a space for engagement for vulnerable community members, skill-building opportunities, Work for the Dole opportunities, corrective services offenders' hours, post-release opportunities and volunteer opportunities.				

Acknowledgement of SOEP	<ul style="list-style-type: none">▪ A SoEP sign is requested to replace the existing BHP sign at the farm▪ SoEP logo will feature on fliers for workshops and open days, and on social media posts promoting stock sales▪ Verbally in interviews, including the New Pilbara Conference
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Name of organisation	Newman Vets Football Club				
Activity the organisation is seeking funding for	Newman Vets Celebrity Match				
Funding Details	Amount Requested			Total Budget	
	\$ 6,000.00			\$ 54,308.00	
Type of fund request	In kind	<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	
Funding sought from other organisations	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If other funding is sought, amount funded from other organisation	\$ 22,500				
Previous funding from Shire of East Pilbara	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If yes, amount received and funded years	13/06/2016 - \$408.50				
Funds Acquitted	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	Comments: N/A
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input checked="" type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Description and purpose of grant	<p>The funding will contribute to the delivery of the 9th annual Newman Vets Celebrity Match. The club partners with Newman National Football League, Newman Junior Football Council and V Swans Football Club and is a fundraising event for local charities and not for profit organisations.</p> <p>The event involves bringing role models from Perth to be a part of all the weekend's activities, including mentoring sessions, coaching clinics, healthy lifestyle sessions, autograph sessions, community engagement opportunities, skills and qualification sessions, as well as the junior and senior football games.</p> <p>The 3 local schools and local businesses will be engaged to deliver a weekend of physical and social engagement activities. Schools will have the opportunity to enter a budding artist competition, with the winning design being included on the players' guernsey.</p>				

Target group of project outcome	Approximately 2,000 community members – including participants, students, committee members and spectators.
Benefit to East Pilbara Community	The community will benefit from attending the free and inclusive event; local charities and not for profit organisations will receive fundraising; local school and businesses will be engaged and included in the event planning and delivery.
Acknowledgement of SOEP	SoEP logo will feature on all attire (including playing guernsey), multimedia, and pamphlets. Also, verbal acknowledgment will be made on the day.

Name of organisation	Newman Gymkhana and Polocrosse Club				
Activity the organisation is seeking funding for	2017 40 th Annual Gymkhana				
Funding Details	Amount Requested	Total Budget			
	\$ 5,000.00	\$ 15,890.00			
Type of fund request	In kind	<input type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	
Funding sought from other organisations	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If other funding is sought, amount funded from other organisation	Will be seeking sponsorship and fundraising opportunities; values are not currently known.				
Previous funding from Shire of East Pilbara	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	
If yes, amount received and funded years					
Funds Acquitted	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Description and purpose of grant	The grant funding will support the club's annual Gymkhana event, which this year celebrates 2 milestones - 50 years since the establishment of the Newman Gymkhana Club and 40 years of Gymkhana events. The Gymkhana will be a family-friendly, free event for the community.				
Target group of project outcome	The event is open to the whole community. The club is expecting over 200 participants and spectators from Newman and surrounding locations, such as Meekatharra, Port Hedland and Mount Magnet.				

Benefit to East Pilbara Community	<p>The event is an opportunity for families to enjoy the games and interact with the horses and other animals. Awareness of animal conservation and care is a focus of the event.</p> <p>Newman may benefit from increased tourism from spectators and competitors attending from outside Newman.</p>
Acknowledgement of SOEP	<p>SoEP banners to be displayed on the day; SoEP logo on the Ridden Class trophy; verbal acknowledgment on the day.</p>
Note:	<p>The Certificate of Incorporation was not included in the grant submission. The current Australian Business Register lists the club as an Incorporated Entity. If Council approves the grant application, no funding will be released until a copy of the Certificate is received by the Shire.</p>

The overall Community Assistance Grant budget for 2016/17 is \$60,000. Approximately \$11,000 of the total amount needs to be set aside for the smaller Grant 1 and Grant 2 programs that are open year-round and approved by the CEO. The balance of \$49,000 then needs to be halved, to accommodate the two Grant 3 rounds approved by the full Council. This means there is approximately \$25,000 for each of the two rounds.

The total amount sought for Round 2 of the 2016/17 financial year is \$22,953, meaning the full \$22,953 applied for can be afforded using this model.

Each of the Round 2 applications have been individually assessed against the eligibility criteria to assist the decision making process. As noted earlier they are all eligible for funding.

However, a review of the event budget for Empowering People in Communities' 2017 East Pilbara Skills and Trade Expo presents an expenditure item for Exhibitors' Food (\$500). Although the application is recommended for approval, the expenditure for Exhibitors' Food is considered to be an inappropriate use of Shire funds. Exhibitors, comprised of private businesses, not for profit entities and government instrumentalities, are expected to have arrangements for staff daily allowances. The recommendation for this particular applicant is therefore reduced by \$500.00, from \$5,952.80 to \$5,452.80.

The three (3) other grant applications are recommended to be funded in full.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.4.4 Equity and opportunities for all
Partnering With: Federal Government, State Government, Industry, NGO's and Indigenous groups
Responsible officer: MCW
Timing: 1-3 years

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

- 2.4.2 Build strong community groups, networks and governance
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-5 years

- 2.4.1 Promote diverse, harmonious and caring communities
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Should the Council choose not to endorse the Community Assistance Grants, Council may be subject to some reputational risk within the Community.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

1. Approve the Community Assistance Grant for Empowering People in Communities for reduced cash and in kind contribution of \$5,452.80 for the 2017 East Pilbara Skills and Trade Expo costs.
2. Approve the Community Assistance Grant for the Red Dirt Blue Sky for a cash contribution of \$6,000 for the Horticulturalist Program costs.
3. Approve the Community Assistance Grant for the Newman Vets Football Club for cash and in kind contribution of \$6,000 for the 2017 Newman Vets Celebrity Match costs.
4. Approve the Community Assistance Grant for the Newman Gymkhana and Polocrosse Club for a cash contribution of \$5,000 for the 2017 40th Annual Gymkhana costs.

9.2.5 CREDITORS FOR PAYMENT

File Ref: FIN10-2

Attachments: [Schedule of Accounts Chq 1.pdf](#)
[Schedule of Accounts EFT 1.pdf](#)
[Schedule of Accounts Manual Cheque 1 pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Jeanette Bessell
Finance Officer

Proposed Meeting Date: 17 March 2017

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 Friday 3rd February 2017.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT#36759 to EFT#37070	\$1,430,639.14
	Total	\$1,430,639.14
Cheque Payments	CHQ#24228 to CHQ#24241	\$9,950.29
Manual Cheque Payments	CHQ#298 to CHQ#300	\$1,232.70
	Total	\$11,182.99
	GRAND TOTAL	<u>\$1,441,822.13</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
NIL

CANCELLED CHEQUES & EFTS

EFT#36978 EFT#36983 EFT#36984 EFT#36907 and EFT#36944

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

Nil

STRATEGIC COMMUNITY PLAN

Nil.

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Total expenses of \$1,441,822.13

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT#36759 to EFT#37070	\$1,430,639.14
	Total	\$1,430,639.14
Cheque Payments	CHQ#24228 to CHQ#24241	\$9,950.29
Manual Cheque Payments	CHQ#298 to CHQ#300	\$1,232.70
	Total	\$11,182.99
	GRAND TOTAL	<u>\$1,441,822.13</u>

9.2.6 MONTHLY FINANCIAL REPORT - JANUARY 2017

Attachments:	January 2017 Financial Report.pdf January 2017 Variance Report.doc January 2017 Asset Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Proposed Meeting Date:	17 March 2017
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 14-page report details the financial activities of the Council for the period 1st January 2017 to 31st January 2017 of the 2016/2017 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

STRATEGIC COMMUNITY PLAN

Nil

Goal 1 – Civic Leadership – Planned Actions

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

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

RISK MANAGEMENT CONSIDERATIONS

This report is part of ensuring that risk matters are reviewed periodically.

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 1st January 2017 to 31st January 2017 of the 2016/2017 financial year as presented be received.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISION – FEBRUARY 2017**

File Ref: CLR-4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 17 March 2017
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

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
Division 2 Local governments and councils of local governments
Section 2.7

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Director Technical and Development Services “Status of Council Decisions” Report for the month of February 2017 be received.

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

17 MARCH, 2017

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – Newman - Cr Shane Carter	MDS-P	Refer to Information Bulletin	In Progress
28 th October 2016	13.7	GARDEN BED NEWMAN DRIVE Cr Lynne Craigie said the garden beds on Newman Drive, next to the Chicken Treat Van needs attention.	DTDS	Design and costings being prepared by shire. Will discuss options with BHP to partner on costings and works	Mar 2017
28th October 2016	13.3	Water at the dog park Cr Shane Carter asked if it was possible to get a drinking tap in the dog park.	DTDS MDS-H MTS-N	Contract awarded for installation of water fountain with dog bowl. This should be installed by the end of March 2017.	COMPLETE
9 December 2016	13.5	SIGNAGE REGARDING NEWMAN TOWN Cr Lynne Craigie asked if it is possible for signs to be erected on Great Northern Highway to advise of what services are available in Newman.	MDS-P	Communication has been had with NCCI regarding this matter. We are waiting on feedback from the NCCI on next steps.	Mar 2017
3 February 2017	13.2	SHIRE OF EAST PILBARA ROAD CLOSURES Cr Lang Coppin asked what is the Shire of East Pilbara guide for road closures as some roads can be flooded while others are ok to go through but are still closed?	MTS-R	<p>Current procedure will be reviewed to see if any improvements can be made without compromising the safety of the travelling public.</p> <p>If a particular road closure has been identified by Cr Coppin officers are happy to investigate and provide a more specific response.</p> <p>Generally, road closures are imposed to protect the travelling public from driving on roads which may have become hazardous due to adverse weather conditions and to protect the road asset from damage due to unnecessary vehicular traffic. A decision to close a road is based on weather information such as current rainfall, radar imaging, rainfall in catchment areas that may affect a particular road, river level readings, on the ground advice from road inspections, Main Roads, local contacts and communities.</p> <p>Most local advice is based on a very small radius and does not provide a broader picture on what is happening on the road network. Information obtained by members of the public and locals are not always accurate and need to be verified by Council officers. Road condition advice can be very</p>	COMPLETE

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

17 MARCH, 2017

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
				<p>objective depending on the person giving the advice and level of experience. As such, Council officers need to make assessments based on one size fits all approach i.e. the conditions have to meet a standard where it can be reasonably assumed that the road is safe to traverse by all drivers regardless of the level of local knowledge and experience.</p> <p>Heavy rain can be very isolated to small sections of the road network which may not be evident to a particular community, mine site or station. A decision to close a road is not made likely and not carried out automatically unless a cyclone is imminent in which case the entire coastal road network is closed in order to protect the travelling public from flash flooding and hazards associated with the event.</p> <p>Council staff take their responsibility very serious and the protection of the travelling public and Councils road assets is paramount. In the event that Council staff are unable to inspect a road and on the ground advice is not available the road may be closed until it can be verified by Council staff that it is safe to travel on.</p>	

**9.3.2 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD OR
REJECT TENDERS FOR THE PERIOD TO 21 APRIL 2017**

File Ref: LEG-13-6
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Bhavesh Modi
Manager Technical Services - Newman
Proposed Meeting Date: 17 March 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider delegating authority to the CEO to award or reject subject tenders for the period up to the next Council meeting to be held on 21 April 2017. This is to assist in the efficient and timely delivery of the annual works program and continue ongoing maintenance of infrastructure. For Council to approve the Common Seal to be affixed under delegated authority to the CEO for the contract between the Shire of East Pilbara and the successful tenderers.

BACKGROUND

The works incorporating fixing of failed pavement sections, following drainage installation, are to align with *the Shire of East Pilbara Strategic Community Plan 2013-2022* "Our Planned Actions- 3.3 "Provide Adequate Community Infrastructure".

The delegation to CEO to award or reject tenders up to 21 April 2017 to replace the previous delegation to CEO to award or reject tenders up to 17 March 2017 due to substantial cost saving changes being identified, and made, in to the Scope of Works for both projects. In order to accommodate those changes as per the Shire's procurement Policy, both RFTs, RFT 11-2016/17 and RFT 12-2016/17, were cancelled and new RFTs, being RFT 14-2016/17 and RFT 15-2016/17, were issued. In summary, the shire officers, without removing any streets, combined Asphalt works and Drainage works in one specific RFT which were, in previous RFTs, allocated as per their location, i.e. Pavement and Drainage works-East Newman, Pavement and Drainage works- Newman etc.

Water pooling issues in various streets of Newman being noticed and listed by the Newman depot which causing a number of pavement section failures and risks to traffic on those streets. Therefore, the depot engaged engineering consultant GHD to study drainage capacity of the existing drainage infrastructure in town and to identify issues/deficiencies in them. For the FY 2016/17, the depot proactively listed Ethel Creek St, Burrows St, Mindarra Dr and Daniels Dr, including connecting streets like Eagle Rock Turn, Ophthalmia Cr and Kalamina Vista which were part of the East Newman Development Stage1A pavement fixing project as agreed by the Shire and the Landcorp, to install new drainage, should drainage study outcomes recommend

it, and fix identified failed pavement sections. And, as anticipated by the depot, these entire streets based drainage infrastructure identified under capacity by GHD which would need new drainage infrastructure to efficiently drain rain water off the streets.

Furthermore, the budget, for these projects, for the 2016-17 financial year were adopted at Council meet held on 24 July 2016 which included the following accounts;

Project 1- Drainage Works Newman

GL	Budget
129615	\$200,000
129616	\$100,000
129617	\$150,000
129618	\$ 70,000
Total Budget	\$520,000

Project 2- Asphalt Works Newman

GL	Budget
129615	\$375,000
129616	\$ 40,000
129617	\$ 50,000
129618	\$ 30,000
Total Budget	\$495,000

Tender for of the above mentioned Drainage Works Newman project advertised on 18 February 2017 and Asphalt Works Newman to be advertised in early March 2017 to undertake the procurement for the services of Civil contractors for drainage and pavement works for the Shire of East Pilbara.

COMMENTS/OPTIONS/DISCUSSIONS

It will be recommended that the CEO (or in the absence of the CEO, the Acting CEO) be delegated authority to award or reject tenders for the following projects up to the nominated values per approved 2016/17 budget allocations:

Tender No.	Description	Fund Source	Account Expenditure	Account Budget (ex GST)
RFT 14-2016/17	Fix failed pavement sections and install asphalt carpet in various streets developed under East Newman Stage 1A development and in Ethel Creek St, Burrows St and Mindarra Dr.	Landcorp + R2R	GL 129615 (\$375K Landcorp) + GL 129616 + GL 129617 + GL 129618= (\$40K + \$30K + \$50K)	\$495,000
RFT 15-2016/17	To supply and install 1100 metres of reinforced concrete pipes, with 36 new stormwater pits, in Ethel Creek St, Burrows St and Mindarra Dr and in various streets developed under East Newman Stage 1A development.	R2R	GL 129615 (\$200K R2R) + GL 129616 + GL 129617 + GL 129618= (\$100K + \$70K + \$150K)	\$520,000

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).

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

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

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

A local government cannot delegate to a CEO any of the following powers or duties –

- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

Legislative Authority for Delegation: S5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

3.14 Purchasing and Tender Procedures

Responsible Directorate	Corporate Services
Responsible Officer	Chief Executive Officer Deputy Chief Executive Officer Manager Assets and Procurement
File Number	FIN-25-2

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$149,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$150,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

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

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$30,000. If the purchase

is in excess of \$30,000 a requisition is to be authorised by their supervisor prior to the order being issued;

1. Managers
2. Coordinator Property Services

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

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

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

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

Light Vehicle Purchases

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

Consultants Services

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

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

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

Light Vehicle Disposals

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

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

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

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

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

Regulatory Compliance

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

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

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
 - 1.1.2 Continued strong financial management
 - 1.1.3 Effective business management

Goal 3 – Economic – Planned Actions

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

- 3.1 Business diversification and promotion
 - 3.1.2 Build a thriving and diverse economy
Partnering With: State Government, Industry, NCCI, other relevant stake holders

Goal 4 – Environmental – Planned Actions

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

- 4.2 Promote a sustainable environment
 - 4.2.1 Cultivate clean green towns

RISK MANAGEMENT CONSIDERATIONS

The risk to Council reputation will be increased by not taking opportunity to avoid seasonal constraints and maintaining continuous operations. By awarding contract/s as soon as practical will reduce the risk of not completing the works in accordance with Council policy requirements.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Funding for this project will be sourced from accounts GL 129615 Pavement Failure and Drainage Works-East Newman \$575,000 and GL 129616 Pavement Failure and Drainage Works-Ethel creek St \$140,000, GL 129617 Pavement Failure and Drainage Works-Burrows St \$100,000 and GL 129618 Pavement Failure and Drainage Works-Mindarra Dr \$200,000.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 21st April 2017, up to the values detailed in Table 1.**

Tender No.	Description	Fund Source	Account Expenditure	Account Budget (ex GST)
RFT 14-2016/17	Fix failed pavement sections and install asphalt carpet in various streets developed under East Newman Stage 1A development and in Ethel Creek St, Burrows St and Mindarra Dr.	Landcorp + R2R	GL 129615 (\$375K Landcorp) + GL 129616 + GL 129617 + GL 129618= (\$40K + \$30K + \$50K)	\$495,000
RFT 15-2016/17	To supply and install 1100 metres of reinforced concrete pipes, with 36 new stormwater pits, in Ethel Creek St, Burrows St and Mindarra Dr and in various streets developed under East Newman Stage 1A development.	R2R	GL 129615 (\$200K R2R) + GL 129616 + GL 129617 + GL 129618= (\$100K + \$70K + \$150K)	\$520,000

- 2. Approve the Common Seal to be affixed under delegated authority to CEO for the contract between the Shire of East Pilbara and the successful tenderer/s.**

**9.3.3 FLOOD DAMAGE OPENING UP AND REINSTATEMENT WORKS
AGRN 737**

File Name: DD FLOOD DAMAGE OPENING UP AND REINSTATEMENT WORKS AGRN 737.docx - This line will not be printed do not delete

Attachments:

[Email Pres Approval 13 Jan 17 pdf](#)
[Kiwirrkurra Resupply OASG Meeting Minutes 1 to 8.pdf](#)
[PHOTO REF A Desert Road.pdf](#)
[Shire of East Pilbara - WAANDRA Map.PDF](#)
[WANDRRA MRWA Notification Approval.pdf](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Oliver Schaer
Manager Technical Services - Rural

Proposed Meeting Date: 17 March 2017

Location/Address: Western Desert, Kiwirrkurra Community

Name of Applicant: Shire of East Pilbara

Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council of actions and decisions taken to initiate disaster relief assistance to remote Communities and to perform emergency opening up and reinstatement works to roads affected by a tropical low and associated flooding in the Pilbara on the 26th of December 2016.

BACKGROUND

On the 26th of December 2016 a tropical low caused extensive flooding and damage to Councils remote road network in the Central Desert region isolating the Kiwirrkurra Community from all road access. As a result all essential service provisions by road to the community ceased resulting in the termination of food and fuel supplies.

The Kiwirrkurra Community is located 135km west from the West Australian State Border with the Northern Territory and is one of the most isolated communities within the country. Predominantly the community is serviced from the Northern Territory including food and fuel supplies. There are numerous communities between the WA/NT border and Alice Springs and as such supply is more cost effective from the east. The Kiwirrkurra Community is however located within the State of Western Australia and as such all government services are the responsibility of the WA State Government.

The tropical low event received considerable news coverage in the Northern Territory as the majority of the rain and flooding impacted the Communities within the Alice Springs region. The greatest impact was to the Kintore Community 520km west of Alice Springs and approximately 175km east of Kiwirrkurra. This weather event was described as a one in 50 year event by Australia's Bureau of Meteorology.

On Tuesday the 2nd of January 2017 the Manager Technical Services – Rural (MTS-R) and the Works Supervisor Marble Bar (WSMB) departed Marble Bar to inspect the desert roads from Telfer to the WA/NT border. The inspection revealed that substantial damage to the road network had occurred predominately from Gary Junction (75km east of Kunawarritji) to the WA/NT Border.

The roads were deemed to be unsafe and untrafficable resulting in the closure of the Desert Road, Jupiter Well Access Road and Kiwirrkurra Access Road.

MTS-R contacted the Office of Emergency Management (OEM) in order to initiate the West Australian Disaster Relief and Recovery Arrangement (WANDRRA) in order to receive funding to open up and reinstate the roads for the purpose of resuming essential road access to resupply the isolated community.

The WANDRRA activation took some time as OEM needed to verify the event and due to the fact that the event had occurred in the most isolated region in the state the Shire of East Pilbara (SOEP) was the only agency seeking assistance at that time.

During this time MTS-R also received communication from Kiwirrkurra requesting urgent assistance as all road access had been cut off and supplies were dwindling fast. Following the request for assistance from Kiwirrkurra to various agencies the matter was quickly escalated with numerous state government departments becoming involved and essential food items being flown by light aircraft to Kiwirrkurra from Newman.

Road access remained a priority due to the isolation and the requirement to supply large volumes of food and fuel to power the community. Rain persisted for some time and continued for some weeks delaying any attempt to provide assistance by road.

Office of Emergency Management (OEM) confirmed activation of WANDRRA (AGRN 737). MTS-R submitted documentation to OEM and Main Roads detailing a Cost Estimate of \$1,500,000 to open up and reinstate the roads affected by the event.

MTS-R requested through the Director of Technical and Development Services (DTDS) to initiate “Works in an Emergency” to open up and reinstate the desert roads. DTDS requested approval from CEO and the Shire President stating the urgency of the matter to restore road access. Approval was granted by the Shire President to carry out works in an emergency under:

Local Government (Functions and General) Regulations 1996 – REG11

(2) Tenders do not have to be publicly invited according to the requirements of this Division if –

(a) the supply of goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the act

Local Government Act 1995 – SEC 6.8

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
(c) is authorised in advance by the mayor or president in an emergency

MTS-R engaged Youngs Earthmoving to immediately mobilise two graders to open up the affected roads and to restore road access to Kiwirrkurra. Additional equipment is to be mobilised once basic road access has been restored in order to reinstate the road service and drainage systems to allow the resumption of normal road access.

The flooding has resulted in the loss of the road formation and gravel materials thus resulting in a soft sandy road surface. The graders were able to clear some material and make limited road access possible however in order to restore road access to supply trucks the formation and gravel surface needs to be reinstated.

To date the graders have reached the WA/NT border and have continued 22km across into the Northern Territory to ensure limited road access is achievable as soon as possible.

Various background documentation and approvals is attached to provide appreciation of events as they unfolded and shire proactive actions to activate and assist in the emergency.

COMMENTS/OPTIONS/DISCUSSIONS

The cost estimate supplied to OEM is an estimate only and may be more or less depending actual conditions and materials available. Expenditure is recoverable and is funded by the State and Commonwealth Governments.

MTS-R continues to brief the DTDS and CEO on progress.

The utilisation of Contractors has been initiated due to the remote location of the roads. Council's road crew continues with the annual works program. Council's graders have been kept busy with local roads requiring increased service levels due to ongoing wet weather events. Contractor costs are 100% recoverable under the WANDRRA provisions (with the exception of a trigger point) whereas the Council crew would only qualify to have the overtime recoverable.

Youngs Earthmoving have been engaged based on their experience servicing Council's remote desert roads. Young's have previously maintained Council's desert roads under various different tender arrangements and are very familiar with the country, roads, gravel locations and the indigenous communities. Young's have a fleet of modern machinery and are able mobilise at short notice. They have suitable camp facilities and as such are able to operate in the most remote and isolated locations. Young's have constantly provided a high quality output and have provided highly competitive rates.

Submitted contract rates and cost estimates were assessed by MRWA and deemed appropriate in consideration of the remote location of the road damage and works to be undertaken.

The works will be closely supervised by the MBWS and MTS-R with regular updates provided to the DTDS and CEO.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Functions and General) Regulations 1996 – REG11

(2) Tenders do not have to be publicly invited according to the requirements of this Division if –

(a) the supply of goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the act

Local Government Act 1995 – SEC 6.8

(2) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
(c) is authorised in advance by the mayor or president in an emergency

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 *Ethical, accountable and transparent decision-making*
Responsible officer: DCEO
Timing: As appropriate

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.2 *Build connected and accessible towns*
Partnering With: Federal Government, State Government, Industry, NCCI, other relevant stake holders
Responsible officer: DTDS
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Works in Emergency, approvals obtained as per regulatory requirements. Commencing a tender process would delay opening up and reinstatement works by up to 3 months thus preventing essential service delivery to the remote Community of Kiwirrkurra resulting in the probable evacuation of the community as it would not be in a position to function and to sustain itself. Contractor engaged has capability, experience and local knowledge to operate in an extreme remote environment.

FINANCIAL IMPLICATIONS

Expenditure will be reimbursed by the State and Commonwealth Government under the WANDRRA provision. Council will be liable for the event trigger point which is the amount payable (\$131,400) before reimbursements apply. This amount will be covered by current budget allocations for aboriginal access roads.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note the declaration by the Shire President, Councillor Lynne Craigie, under section 6.8(1) of the Local Government Act 1995, for emergency expenditure on the following roads known as the -

- **Desert Road;**
- **Jupiter Well Access Road; and**
- **Kiwirrkurra Access Road.**

**9.3.4 DEDICATION OF MARBLE BAR AND NULLAGINE LANDFILL ACCESS
ROADS AS PUBLIC ROADS**

File Ref: TCH-4-10
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 17 March 2017
Location/Address: Portions of Reserves 2804 Nullagine and 2906
Marble Bar
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

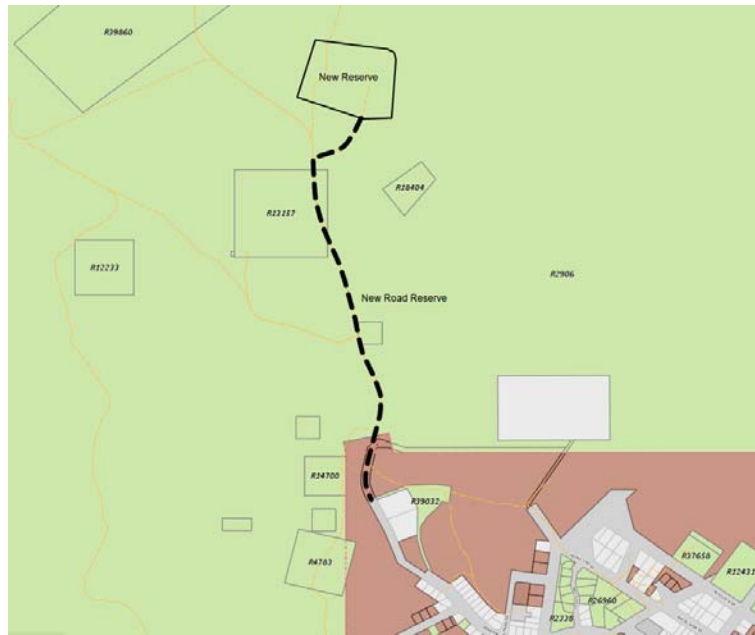
For Council to consider requesting dedication as public roads under section 56 of the Land Administration Act 1997, the access roads to the Marble Bar and Nullagine Landfill sites.

BACKGROUND

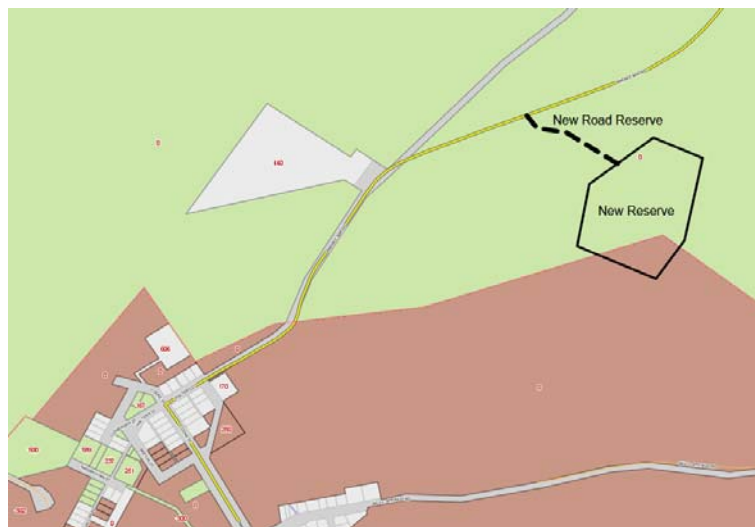
Council has previously resolved to excise the Marble Bar and Nullagine landfill sites from the respective common reserves. Once excised, the sites will have their own reserves vested in the Shire. As part of the assessment process, the Department of Lands has requested the Shire consider having the access roads to both sites excised from the common reserves and dedicated as public roads.

Marble Bar

It is proposed to dedicate a 1.5km portion of the existing gravel road that acts as an extension of General Street. The road traverses the Marble Bar Common (Reserve 2906) for approximately 1.0km. The road also traverses approximately 250m of unallocated crown land and 250m of land vested in other agencies (Water Corporation and Department of Mines and Petroleum). The Department of Lands will liaise with these agencies to obtain the necessary approvals should Council resolve to request dedication of the road reserve.



The access road to the Nullagine Landfill is approximately 320m long as shown below. The entire road is located within the Nullagine Common (Reserve 2804).



As the roads are predominantly located on land vested in the Shire, dedication as a public road does not increase Council's obligations to manage the roads, as these obligations already exist. Dedication will simply normalise the tenure of the road to that of the majority of the Shire's road network.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 56 of the Land Administration Act 1997 and Regulation 8 of the Land Administration Regulations 1998 relate to the dedication of roads.

As the road exists on public land and is open to the public currently, the dedication process will not require consultation with affected landowners. In effect, the land will simply change from one form of Shire management (crown reserve) to another (local road). In the case of Marble Bar, the approval of Water Corporation and Department of Mines and Petroleum will be required for the small portions of the road located within reserves vested in those bodies.

The dedication process requires Council to resolve to request under section 56(1) for the Minister for Lands to dedicate land as a road. As part of the request, Council is required under section 56(4) to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request. These costs relate to administration expenses and any survey costs incurred in identifying the alignment of the new road.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure Partnering With: Federal Government, State Government, Industry, NCCI, other relevant stakeholders

Responsible officer: MBA

Timing: 1-5 years

3.3.2 Build connected and accessible towns Partnering With: Federal Government, State Government, Industry, NCCI, other relevant stakeholders

Responsible officer: DTDS

Timing: 1-5 years

3.3.3 Provide infrastructure to support economic development Partnering With: State Government, Industry, NCCI, other relevant stakeholders

Responsible officer: DCEO

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Council currently carries the risk of the roads as they are located on land under its care and control. Normalising the tenure of the roads as public roads will not increase the organisational risk attributed to the operation of the thoroughfares.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. In accordance with section 56(1) of the Land Administration Act 1997, requests the Minister for Lands dedicates as a public road the following portions of roadways:**
 - a) The approximately 1.5km extension of General Street to the proposed Marble Bar Landfill Reserve, located within Reserves 2906, 13157 and 29796 and including a portion of Unallocated Crown Land within the Marble Bar Townsite; and**
 - b) The approximately 320m long roadway between Marble Bar Road and the proposed Nullagine Landfill Reserve, located within Reserve 2804, Nullagine.**
- 2. In accordance with section 56(4) of the Land Administration Act 1997, indemnifies the Minister for Lands against any claim for compensation resulting from dedication of the roads.**

**9.3.5 REQUEST TO PURCHASE OR LEASE UNALLOCATED CROWN LAND
WITHIN NULLAGINE TOWNSITE**

File Ref: PLAN1

Attachments: [Department of Lands Referral](#)
[Skull Springs Road Proposal](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Proposed Meeting Date: 17 March 2017

Location/Address: Marble Bar and Skull Springs Roads, Nullagine

Name of Applicant: Nullagine Contracting

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider making comment on a proposal by Nullagine Contracting to lease or purchase land within the Nullagine Townsite from the State of Western Australia.

BACKGROUND

The Department of Lands has requested Council comment on the proposed sale or leasing to Nullagine Contracting of unallocated crown land as shown below and in the attached referral letter from the Department.



Nullagine Contracting has previous endeavoured to lease land outside of the Townsite area. However, due to the presence of mining tenements, leasing of the

land has not been supported by state government. Given the need to avoid land that is subject to mining tenements, the applicant has been forced to consider unallocated crown land located within the Nullagine Townsite, as this is the only area within the locality that is not subject to tenements.

Nullagine Contracting have identified the two parcels of land. The smaller parcel would allow for the development of a house, shed and a mechanical repair workshop (see attached concept plan). The use of the larger parcel is more unclear, but may possibly be used for hardstand and parking of vehicles, plant and equipment.

The Department of Lands is requesting Council comment on the proposal as the local government authority responsible for the planning and development of Nullagine. It is noted that the Shire does not have an approval or refusal role in this matter. However, Council's comments are likely to have considerable weight on the outcome of the application.

As the land is unallocated crown land, there is likely to be a considerable period of time before any land transaction can take place due to the implications of the Native Title (State Provisions) Act 1999.

COMMENTS/OPTIONS/DISCUSSIONS

Both parcels of land are zoned 'Rural' by Shire of East Pilbara Town Planning Scheme No.4. Ideally, to allow for the operation of a contractors yard, motor vehicle repair workshop and ancillary uses, the land would be zoned 'Nullagine Townsite'. However, given that a review of the current Scheme is underway and the Skull Springs Road site is identified to be zoned 'Rural Settlement' (a similar zoning to Nullagine Townsite), Council is in a position to support the proposal without requiring rezoning to occur.

Shire officers support the sale or leasing of the Skull Springs parcel (Site 1 on the above plan). However, Shire officers note that the larger parcel (Site 2) is located on land that is relatively high-ground (in comparison with the remainder of the town). This location is the only ideal site for Townsite expansion should it ever be required. Given this, any use of the land for semi-industrial uses should be limited to a leasing arrangement, so that the long-term opportunity for residential growth is not removed.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

- 3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land
Partnering With: State Government, Industry
Responsible officer: CEO
Timing: 1-5 years

- 3.4.2 Plan well for the future development of the Shire
Partnering With: State Government, Industry
Responsible officer: CEO
Timing: 1-5 years

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

3.1 Business diversification and promotion

- 3.1.1 Provide support for established and emerging business bodies and local businesses
Partnering With: State Government, Industry, NCCI, other relevant stake holders
Responsible officer: DCEO
Timing: 1-5 years
- 3.1.2 Build a thriving and diverse economy
Partnering With: State Government, Industry, NCCI, other relevant stake holders
Responsible officer: DCEO
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

As Council is not making a decision, only providing comment to a decision-maker, there is no organisational risk attributed to this matter.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Lands that it supports:

1. **The sale or leasing of 0.64ha portion of unallocated land on the corner of Marble Bar and Skull Springs Road, Nullagine to Nullagine Contracting, subject to all future development being subject to consideration of an Application for Development Approval; and**
2. **The leasing only of a portion of up to two hectares of unallocated crown land located between Marble Bar Road and Nullagine River immediately south of Reserve 50148, Nullagine to Nullagine Contracting subject to the Shire of East Pilbara being satisfied that any use and development of this parcel will not prevent long term residential development of the land.**

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

13 GENERAL BUSINESS

14 DATE OF NEXT MEETING

21 April 2017, Newman

15 CLOSURE