

Unconfirmed copy of Minutes of  
Meeting held on 19 April 2013 subject  
to confirmation at meeting to be held  
on 24th May 2013

**SHIRE OF EAST PILBARA**

These minutes were confirmed by the council  
as a true and accurate record at the ordinary  
council meeting held on 20/5/2013



*Boaigue*

**EAST PILBARA SHIRE COUNCIL**

**MINUTES**

**ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council was held,  
in Council Chambers, Newman,  
10.00 AM, FRIDAY, 19 APRIL, 2013.

**Allen Cooper**  
**CHIEF EXECUTIVE OFFICER**

# DISCLAIMER

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

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

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

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

## WRITTEN CONFIRMATION

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

Signed: \_\_\_\_\_  
Allen Cooper  
Chief Executive Officer

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## **1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chairman declared the meeting open at 10:09 AM and welcomed the Visitors in the public gallery.

## **2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**

### **2.1 ATTENDANCES**

#### Councillors

Cr Lynne Craigie  
Cr Lang Coppin  
Cr Anita Grace  
Cr Shane Carter  
Cr Gerry Parsons  
Cr Doug Stead  
Cr Dean Hatwell  
Cr Stephen Kiernan

Shire President  
Deputy Shire President

#### Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Rick Miller

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

Mrs Sheryl Pobrica

#### Public Gallery

Mr Richard Bairstow  
Ms Dearne Kinsella  
Mr Leon Van Erp  
Ms Gae Synnott  
Mr Milton Chapman  
Mr Bruce Booth

Auzcorp  
BHP Billiton  
Ngurra Kujungka  
Ngurra Kujungka  
Ngurra Kujungka  
Ngurra Kujungka

### **2.2 APOLOGIES**

#### Councillor Apologies

Cr Kevin Danks  
Cr Craig Hoyer  
Cr Darren Bennetts

#### Officer Apologies

Nil

### **2.3 LEAVE OF ABSENCE**

Nil

**3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**5.1 UPDATE NULLAGINE/IRRUNGADJI OVAL**

On behalf of the Nullagine / Irrungadji Oval Steering Group, Mr Leon Van Erp, Newcrest Mining, Mr Milton Chapman, Mr Bruce Booth, Ngurra Kujungka and Ms Gae Synnott, Consultant to the Project provided an update regarding the Nullagine / Irrungadji Oval Grassing Project.

*10:53 AM Mr Leon Van Erp, Ms Gae Synnott, Mr Milton Chapman and Mr Bruce Booth left Chambers.*

*Shire President, Cr Lynne Craigie presented Mr Allen Cooper, Chief Executive Officer a gift on behalf of council and staff in recognition of receiving the Public Service Medal in the 2013 Australia Day Honours for service to the Shire of East Pilbara.*

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Darren Bennetts has asked council for leave of absence for May, June and July 2013.

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**COUNCIL RESOLUTION: 201213/324**

**THAT Cr Darren Bennetts leave of absence be accepted for May, June and July 2013.**

**CARRIED  
RECORD OF VOTE: 8 - 0**



## **7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

### **7.1 CONFIRMATION OF MINUTES**

[Minutes March 15 2013 Council.DOCX](#)

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Stephen Kiernan**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/325**

**THAT the minutes of the Ordinary Meeting of Council held on 15 March 2013, be confirmed as a true and correct record of proceedings.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

## **8 MEMBERS REPORT**

### **8.1 ITEMS FOR RECOMMENDATION**

Nil

### **8.2 ITEMS FOR INFORMATION**

Cr Stephen Kiernan

- Attended Shire of East Pilbara Youth meeting
- Attended Main Roads Regional Group meeting

Cr Dean Hatwell

- Attended LEMC meeting
- Attended Shire of East Pilbara Youth meeting
- Attended Main Roads Regional Group meeting

Cr Lang Coppin

- Attended Nyiminjarra Road Steering Group meeting (teleconference)

Cr Shane Carter

- Attended meeting with Hon Brendon Grylls
- Attended Pilbara/Kimberley Forum (Perth)

Cr Doug Stead

- Attended Photographic Exhibition at Newman Visitors Centre

Cr Gerry Parsons

- Attended Photographic Exhibition at Newman Visitors Centre
- Attended meeting with Hon Brendon Grylls

Cr Anita Grace

- Presided x 2 Australian Citizenships
- Attended Women's Shelter
- Attended Pilbara/Kimberley Forum (Perth)

Cr Lynne Craigie

- Attended Women's Shelter
- Attended Pilbara/Kimberley Forum (Perth)
- Attended Black Swan Theatre meeting
- Attended Mr Allen Cooper's receiving LG Honour Award.
- Attended Pilbara Development Commission meetings x 2
- Attended PRC Joint Forum meeting at new office.
- Attended ABC interviews x 2 – re: CCC report on Pilbara Local Governments.
- Attended Newman House meeting – re: stat plan
- Attended horizon Power meeting
- Attended WALGA meeting
- Attended ALGA meeting
- Attended meeting with Hon Brendon Grylls
- Attended Civic Centre meeting
- Attended DAP meeting

## **9 OFFICER'S REPORTS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MARCH 2013**

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

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#### **REPORT PURPOSE**

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

#### **BACKGROUND**

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

#### **COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

*(b) determine the local government's policies.*

#### **POLICY IMPLICATIONS**

Nil

#### **PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

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To Provide Sound Leadership and Strong Representation

**3.1 Representation**

**3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region.**

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

**3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community.**

Lobbying and advocacy role

How funded – Municipal Funds and funding opportunities

Responsible Directorate - Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/326**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Doug Stead**

**THAT the “Status of Council Decisions” – Chief Executive Officer for March 2013 be received.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

***To be actioned by Mr Allen Cooper, Chief Executive Officer.***

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

**19 APRIL, 2013**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORAT E</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
28 September 2012	13.5	INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman.	CEO	Quotes being sought.	
7 December 2012	13.2	ADSL IN MARBLE BAR Cr Stephen Kiernan asked if a letter could be written to Telstra for ADSL to be available in Marble Bar as Nullagine has just received ADSL and why not Marble Bar. Mr Allen Cooper, CEO replied Newman also does not have ADSL and a letter will be written to Telstra.	CEO	Response in April Information Bulletin	
8 February 2013	9.1.8	AMENDMENT TO REGIONAL PRICE PREFERENCE POLICY	CES	Advertised for public comment 20/02/2013	
8 February 2013	9.1.12	LEASE - LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF "TOWN CONSTRUCTION FLY CAMP", NEWMAN	CES	Subject to Ministerial approval of lease prices	
8 February 2013	9.1.13	PURCHASE OF NEW RESIDENTIAL LOT IN EAST NEWMAN	CES	Signed/sealed contract sent to Landcorp on 12/02/2013	
8 February 2013	13.4	FORTESCUE METALS GROUP Cr Lang Coppin has asked the Shire to write to the Environmental Protection Authority regarding FMG North Star Magnetite Project, regarding taking water from the Canning Basin for use in the project. Chief Executive Officer to follow up.	CEO	Response in April Information Bulletin	
15 March 2013	9.1.1	NEW POLICY – EQUITY AND ACCESS	CEO	To be Developed	
15 March 2013	10.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	CEO	To be completed	
15 March 2013	10.1.3	ENDORSEMENT OF THE SHIRE OF EAST PILBARA REPEAL LOCAL LAW 2013	CES	Advertised	

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

**19 APRIL, 2013**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
15 March 2013	14.6	<p>ADVERTISING SIGNS ON COUNCIL RESERVES</p> <p>Cr Gerry Parsons asked if there was any information available to the sporting groups regarding Council's policy on signs, specifically those being placed on the Junior Sports Storage buildings.</p> <p>Chief Executive Officer, Allen Cooper, responded saying that a signs policy was being developed.</p>	CEO	Policy to be Finalised	

**9.1.2 AFFIXING OF COMMON SEAL TO EMPLOYMENT CONTRACT -  
MANAGER TECHNICAL SERVICES - NEWMAN OPERATIONS**

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

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**REPORT PURPOSE**

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Technical Services – Newman Operations.

**BACKGROUND**

Council recently employed Mr Paul O'Connor, Manager Technical Services – Newman Operations. The term of the contract is for two years, expiring on 18 February 2015.

**COMMENTS/OPTIONS/DISCUSSIONS**

Nil.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

**Policy:**  
Council's Policy Manual

**EXECUTION OF DOCUMENTS**

Minute No: Item 9.1.3  
Date 27<sup>th</sup> June 2003

**Objective:**  
To allow for the proper execution of documents.

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

**PLAN FOR FUTURE OF THE DISTRICT**

Nil.

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/327**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Stephen Kiernan**

**THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Paul O'Connor, Manager Technical Services – Newman Operations for a term of two years, expiring on 18 February 2015.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

***To be actioned by Mr David Kular, Manager Human Resources***



**9.1.3 AFFIXING THE COMMON SEAL TO EMPLOYMENT CONTRACT OF  
MANAGER DEVELOPMENT SERVICES - BUILDING**

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

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**REPORT PURPOSE**

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

**BACKGROUND**

Council employed Mr David Evrett, Manager Development Services – Building. The term of the contract is for two years, expiring on 30 July 2014.

**COMMENTS/OPTIONS/DISCUSSIONS**

Nil.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

**Policy:**  
Council's Policy Manual

**EXECUTION OF DOCUMENTS**

Minute No: Item 9.1.3  
Date 27<sup>th</sup> June 2003

**Objective:**  
To allow for the proper execution of documents.

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

**PLAN FOR FUTURE OF THE DISTRICT**

Nil.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/328**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Doug Stead**

**THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr David Everett, Manager Development Services - Building for a term of two years, expiring on 30 July 2014.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

***To be actioned by Mr David Kular, Manager Human Resources***

**9.1.4 AFFIXING THE COMMON SEAL TO GRANT AGREEMENT FOR CAT ACT IMPLEMENTATION PROGRAM: CAT MANAGEMENT FACILITIES**

**File Ref:** FIN-4-3  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Grant Agreement between the Department of Local Government and the Shire of East Pilbara for the Cat Act Implementation Grant Program: Cat Management Facilities.

**BACKGROUND**

The State Government's introduction of the *Cat Act 2011* (the Act), means that from 1 November 2013, all domestic cats will need to be identified, registered and sterilised. This is aimed at reducing the thousands of stray cats being euthanized each year and to provide for responsible cat ownership. The legislation will also help address the large stray and feral cat population that cause a nuisance, damage property and kill wildlife.

Local governments are responsible for implementing and enforcing the terms of the Act. This means the Shire is responsible for building and maintaining a cat management facility to house impounded cats. This puts the Shire under significant financial pressure in regards to implementing and enforcing the Act.

For this reason, the State Government has recognised the need to provide some assistance with the cost of implementing this new legislation.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Cat Act Implementation Grant Program (CAIGP) is separated into three different grants:

1. Funding for Cat Management Facilities;
2. Miscellaneous costs (ranger training, microchip readers, cat traps, vehicle fit outs, update to a current registration database, and protective equipment); and
3. Cat sterilisation programs.

This particular Grant Agreement relates to the Cat Management Facilities grant only, for which \$80,000 has been allocated. The Shire has already received \$2,535 for the Miscellaneous Grant.

The Department of Local Government have asked that the Grant Agreement be signed, sealed and returned by no later than **Friday 12 April 2013**. Therefore, there was a need to sign this agreement and affix the common seal before this matter could go before Council.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

## **POLICY IMPLICATIONS**

### **4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

**Date:** 27<sup>th</sup> June 2003

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### **Objective**

To allow for the proper execution of documents.

### **Policy**

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

## **PLAN FOR FUTURE OF THE DISTRICT**

### **Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

#### **3.4 Maintaining a High Standard of Governance**

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

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/329

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council note the application of the common seal of the Shire of East Pilbara which was applied to the Grant Agreement between the Department of Local Government and the Shire of East Pilbara for the Cat Implementation Grant Program: Cat Management Facilities.

CARRIED  
RECORD OF VOTE: 8 - 0

*To be actioned by Ms Kylie Bergmann, Coordinator Executive Services.*

### 9.1.5 DEVELOPMENT ASSESSMENT PANELS: LOCAL GOVERNMENT NOMINATIONS

**File Ref:** CLR-4-4  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

For Council to nominate two elected members to sit on the local Development Assessment Panel (DAP), and two elected members as proxy.

#### BACKGROUND

Cr Lynne Craigie and Sue Owen are currently appointed as members of the local DAP, with Cr Doug Stead and Cr Craig Hoyer as proxy. Their term of appointment will expire on 26 April 2013.

Under regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is requested to nominate two elected members to sit on the local DAP, and two elected members as proxy.

Nominations were required by Friday 15 February 2013. However, as that date as come and gone, we have written to the Development Assessment Panels asking for an extension to provide our nominations. This request has been approved, and our nominations are now due by Monday 22 April 2013, after this Council meeting.

#### COMMENTS/OPTIONS/DISCUSSIONS

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for a term of up two years, expiring on 26 April 2015.

All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the proxy local DAP members will take the place of the former local DAP members. If

both local and alternate (proxy) local members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment.

The Council should consider the above matters in selecting nominees as local DAP members.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister's consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's Circular – State Government Boards and Committees Circular (2010/02)*.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

### ***Planning and Development (Development Assessment Panels) Regulations 2011***

#### **Part 4 – Development assessment panels**

#### **Division 1 – DAP members**

#### **26. JDAP local government member register**

- (1) The Minister must cause to be established and maintained a register of local government members of JDAPs.
- (2) Subject to sub-regulation (4), the register must include the names of 2 members of the council of each local government of a district for which a JDAP is established.
- (3) Whenever it is necessary to include a member of a council of a local government on a local government register under sub-regulation (2), the Minister must –
  - a. in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and
  - b. unless sub-regulation (4) applies, include on the register the name of the person nominated.
- (4) If, within 40 days after the date on which the Minister makes a request under sub-regulation (3), or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who –
  - a. is an eligible voter of the district of the local government; and
  - b. the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.
- (5) For the purposes of sub-regulation (4)(a) a person is an eligible voter of a district if that person is eligible under the *Local Government Act 1995* section 4.29 or 4.30 to be enrolled to vote at elections for the district.

**POLICY IMPLICATIONS**

Nil.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

3.1 Representation

3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region.

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/330**

**MOVED: Cr Lang Coppin**

**SECONDED: Cr Shane Carter**

**THAT Council nominate the following two Councillors as members of the local DAP:**

1. Cr Lynne Craigie
2. Cr Doug Stead

**THAT Council nominate the following two Councillors as proxy as members of the local DAP:**

1. Cr Anita Grace
2. Cr Dean Hatwell

**CARRIED**  
**RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Kylie Bergmann, Coordinator Executive Services***



#### 9.1.6 AMENDMENT TO REGIONAL PRICE PREFERENCE POLICY

**File Ref:** LEG-2-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

For Council to adopt an amendment to the Regional Price Preference Policy.

#### BACKGROUND

This matter came before Council on 8 February 2013, whereby Council was asked to consider an amendment to the Regional Price Preference Policy following a Procurement Review.

At that meeting, Council resolved to:

*“THAT Council:*

- 1. Give Statewide public notice of its intention to amend the Regional Price Preference Policy, inviting submissions from the public for a minimum of 4 weeks from the date of the notice.*
- 2. Make a copy of the proposed amendment of the Regional Price Preference Policy available for public inspection in accordance with the notice.”*

#### COMMENTS/OPTIONS/DISCUSSIONS

Pursuant to regulation 24F(1) of the *Local Government (Functions and General) Regulations 1996*, the amended policy cannot be adopted until at least 4 weeks after the publication of Statewide notice. The amended Policy was advertised in the West Australian newspaper, North West Telegraph newspaper, local public notice boards and the Shire’s website on Wednesday 20 February 2013.

Pursuant to regulation 24E(4) of the *Local Government (Functions and General) Regulations 1996*, a policy cannot be adopted until the local government has considered all submissions that are received. Submissions about the proposed amendment closed on Friday 22 March 2013. No submissions were received.

In the circumstances, Council may adopt the amended policy as **attached**.

NOTE: the policy cannot be applied until the local government gives Statewide notice that it has adopted the amended policy (regulation 24F(3) of the *Local Government (Functions and General) Regulations 1996*).

## STATUTORY IMPLICATIONS/REQUIREMENTS

### Local Government (Functions and General) Regulations 1996

#### **24C. Regional price preference may be given**

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.

#### **24D. Discounts permitted for regional price preferences**

- (1) A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by –
  - (a) up to 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000; or
  - (b) up to 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
  - (c) up to 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.
- (2) Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be –
  - (a) wholly supplied from regional sources; or
  - (b) partly supplied from regional sources, and partly supplied from non-regional sources,only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.
- (3) Despite Subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).

#### **24E. Regional price preference policies for local governments**

- (1) Where a local government intends to give a regional price preference in relation to a process, the local government is to –
  - (a) prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and
  - (b) give Statewide public notice of the intention to have a regional price preference policy and include in that notice –
    - (i) the region to which the policy is to relate; and
    - (ii) details of where a complete copy of the proposed policy may be obtained; and

- (iii) a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions;
- and
- (c) make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.
- (2) A regional price preference policy may be expressed to be –
  - (a) for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;
  - (b) for different goods or services within a single contract or various contracts;
  - (c) for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D),or for any combination of those factors.
- (3) A region specified under this Part –
  - (a) must be (or include) the entire district of the local government; and
  - (b) cannot include a part of the metropolitan area.
- (4) A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.

**24F. Adoption and notice of regional price preference policy**

- (1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.
- (2) An adopted policy must state –
  - (a) the region or regions within which each aspect of it is to be applied; and
  - (b) the types and nature of businesses that may be considered for each type of preference; and
  - (c) whether the policy applies to –
    - (i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;
    - (ii) different goods or services within a single contract or various contracts;
    - (iii) different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders,or to any combination of those factors.
- (3) An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.
- (4) The local government is to ensure that a copy of an adopted regional price preference policy is –
  - (a) included with an specifications for tenders to which the policy applies; and
  - (b) made available in accordance with regulation 29 of the *Local Government (Administration) Regulations 1996*.

**POLICY IMPLICATIONS**

Nil.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/331**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

1. Adopt the amended Regional Price Preference policy, as attached.
2. Give Statewide public notice that the amended Regional Price Preference policy has been adopted by Council.

**CARRIED**  
**RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Kylie Bergmann, Coordinator Executive Services***

### 9.1.7 REVIEW OF DELEGATIONS MANUAL

File Ref:	LEG-2-6
Attachments:	<a href="#">REVIEW OF DELEGATIONS MANUAL 20 February 2013 pdf</a> <a href="#">Schedule of amendments comments docx</a>
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

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### REPORT PURPOSE

For Council to adopt the amended 2012-2013 Delegations Manual.

### BACKGROUND

Section 5.46(2) of the *Local Government Act 1995* ('the Act') requires Council to review its Delegations Manual once every financial year. Council last reviewed the Delegations Manual on 28 July 2012.

Although a general review was undertaken on 28 July 2012, the Delegations Manual has undergone a complete re-write and review. The re-write was to:

1. re-organise the layout of the Delegations Manual to better reflect the processes taken by Council in making a delegation;
2. add, update and delete delegations where legislation has changed and/or where delegations were no longer required; and
3. generally make sure the delegations align with Council's current operations.

### COMMENTS/OPTIONS/DISCUSSIONS

A complete re-write of the Delegations Manual was undertaken, a copy of which is **attached** under separate cover. You will note that several delegations have been deleted. You will find a synopsis attached to each delegation which has been deleted, advising the reason why it has been deleted.

You will also note some new delegations, including:

- *Cat Act 2011* – Appointments
- *Cat Act 2011* - Delegations
- Administer Local Laws

The new *Cat Act 2011* was proclaimed on 9 November 2011. The new authorisation/delegation will allow the CEO and specified staff of the Shire to exercise the powers and duties of a local government, and to administer and enforce the provisions of the *Cat Act 2011*.

The new delegation – Administer Local Laws – has been drafted to encompass several delegations previously relating to local laws.

The revised version of the Delegations Manual was then sent to a consultant, Sean McLaughlin, for his further comments and advice.

On 20 February 2013, Sean McLaughlin provided his further comments, a copy of which is **attached**. Those comments have been considered. A schedule of suggested amendments/comments has also been **attached** outlining which amendments were adopted/not adopted.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 5 - Administration (Division 4 – Local government employees) 5.46. Register of, and records relevant to, delegations to CEO and employees (pg 155).

### **POLICY IMPLICATIONS**

Any delegation to the Chief Executive Officer or other staff member must also be exercised in conjunction with Council's current policies.

### **PLAN FOR FUTURE OF THE DISTRICT**

Nil.

### **FINANCIAL IMPLICATIONS**

The cost of the external review by Sean McLaughlin is \$7,700 which can be funded from account number 41011.

### **VOTING REQUIREMENTS**

Absolute.

### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/332**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council adopt the amended 2012-2013 Delegations Manual as presented.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Kylie Bergmann, Coordinator Executive Services.***

### 9.1.8 NEW POLICIES

<b>File Ref:</b>	<b>LEG-2-1</b>
<b>Attachments:</b>	<a href="#">Authority to Issue Section 39 and 40 Certificates under the Liquor Control Act 1988 doc</a> <a href="#">Mining Act 1978 docx</a> <a href="#">Native Title Act 1993 docx</a> <a href="#">Amendment to Housing Tenancy Agreements Policy docx</a>
<b>Responsible Officer:</b>	<b>Mr Allen Cooper</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Kylie Bergmann</b> <b>Coordinator Executive Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

For Council to consider adopting the following new policies:

- Authority to Issue Section 39 and 40 Certificates under the Liquor Control Act 1988;
- Mining Act 1978; and
- Native Title Act 1993 – Registration of Interest.

And for Council to consider an amendment to the following policy:

- Housing Tenancy Agreements

### BACKGROUND

Normally new policies/amendments are required to be presented to Councillors at Corporate Discussion before they can be adopted. However, in light of the amendments to the Delegations Manual (tabled as a separate Agenda Item), it is appropriate that these new policies/amendments are presented to and adopted by Council now.

These particular items are being deleted from the Delegations Manual. Therefore, if we don't adopt a policy in their place, staff may be unsure as to their duties, obligations and responsibilities.

The reason why these new/amended policies are being incorporated into the Policy Manual, is because they are not functions which require delegation. Rather, they are operational matters which require some guidance by Council.

All of these new/amended policies are simply a regurgitation of what was previously in the Delegations Manual.

**COMMENTS/OPTIONS/DISCUSSIONS**

The new/amended policies are **attached** for Council's consideration.

Council can adopt, amend or reject these policies.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

New Policy Making Guidelines:

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

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

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

**3.4 Maintaining a High Standard of Governance**

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.



OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/333

MOVED: Cr Shane Carter

SECONDED: Cr Stephen Kiernan

THAT Council adopt the following policies, as attached:

1. Authority to Issue Section 39 and 40 Certificates under the Liquor Control Act 1998;
2. Mining Act 1978;
3. Native Title Act 1993 – Registration of Interest; and
4. Housing Tenancy Agreements.

CARRIED  
RECORD OF VOTE: 8 - 0

*To be actioned by Ms Kylie Bergmann, Coordinator Executive Services.*

### 9.1.9 2012 ANNUAL COMMUNITY SURVEY

**File Ref:** ADM-7-4

**Attachments:** [SEP Community Survey 2012 Data Analysis Tables DRAFT doc](#)  
[SEP Community Survey 2012 Presentation Report DRAFT pptx](#)  
[SEP Community Survey 2012 Open Question Responses doc](#)

**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer

**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To receive the comments on the annual community survey conducted in December 2012.

### BACKGROUND

The annual community survey is conducted to gauge residents' views on Council's services. The survey assists in the review of the Strategic Community Plan and to improve services where required. Surveys have been conducted since 2006.

The attached documentation details the results for the past two years being 2011 and 2012.

### COMMENTS/OPTIONS/DISCUSSIONS

The 2012 survey was conducted by telephone to 601 persons being from across the Shire as follows:

Newman	541
Marble Bar	25
Nullagine	13
Other areas	22

A full copy of the survey has been distributed to all Councillors.

The survey is made up of 23 questions, which has increased from 14 questions last year. Even though we kept the same categories from the last few years, we did make significant changes for the 2012 survey including:

- Question 7 (now question 16 in the 2012 survey) has been changed to reflect the top feedback from community members from last year's survey in each service division and from those top issues, we have further extracted the most highest issues and asked residents to give them a rating from 5 being the least important to 1 being the most important.
- We asked more options in each question too – see Question 16 (A-F).
- More information was received this year in tabulated format.

The list of questions and a summary is listed below.

**Q1: Can I confirm that you currently reside in the Shire of East Pilbara for at least part of the year?**

The results of this question are displayed above. Of the 601 persons surveyed, 541 were from Newman, 25 from Marble Bar, 13 from Nullagine and 22 from other areas.

**Q2: In general, how do you rate the Shire of East Pilbara as a place to live?**

	<u><b>2012</b></u>	<u><b>2011</b></u>
Excellent	19%	18%
Good	53%	52%
Average	25%	21%
Poor	3%	2%
Very Poor	1%	1%
Unsure	0%	1%

**Q3: How long have you been living in the Shire of East Pilbara?**

	<u><b>2012</b></u>	<u><b>2011</b></u>
Less than 1 year	8%	13%
Between 1 and less than 5 years	39%	36%
Between 5 and less than 10 years	21%	21%
10 years or more	32%	31%

**Q4: Compared to this time last year, would you say the quality of life in the Shire of East Pilbara is...**

	<u><b>2012</b></u>	<u><b>2011</b></u>
Better	28%	32%
Same	58%	54%
Worse	15%	14%
Unsure	0%	0%

**Q5: Do you think you will be living in the Shire of East Pilbara in 3 years from now?**

	<u><b>2012</b></u>	<u><b>2011</b></u>
Yes	63%	63%

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No	30%	25%
Unsure	7%	12%

**Q6: The Shire of East Pilbara provides a variety of Council run services, facilities and activities/events for the residents and ratepayers in the East Pilbara. In general terms, would you say that Council run services, facilities and activities/events provided by the Shire of East Pilbara...**

Meets your needs very well	54%
Somewhat meets your needs	38%
Don't meet your needs at all	5%
Don't know/unsure	3%

**Q7: Where (*from what sources*) have you seen, heard or read information about the Shire of East Pilbara council run services, facilities, and activities/events over the last year?**

Word of mouth	41%
Shire building/library notice boards	31.4%
The Shire's page/ad in the local newspaper	24.8%
Personally by phone/fax/email/letter	19.5%
Outdoor advertising/billboard	10.8%
Other internet sites/web pages	10.3%
Letter box leaflets	9.2%
Shire of East Pilbara website	8.7%
Nowhere/not seen/heard anything	8.2%
Facebook	3.4%
The Shire's newsletter	7.2%
Local newspaper articles	5.8%
Public meetings/workshops/info	3.3%
Brochure collected from library/council	2.3%
Community radio	1.7%

**Q8: The Shire of East Pilbara currently communicates information to residents about its services, facilities and activities/events through ads and articles in the local community newspapers, as well as on notice boards, using its variable message sign, the Shire website and public notices. How would you describe the way the Shire currently communicates with you...**

Effective	53.6%
Don't take much interest	15.5%
Would like to hear more	30.9%

**Q9: Other than those existing communication methods just mentioned, what other forms of communication (if any) would enhance the Shire's communication with you about its services, facilities and activities/events?**

The verbatim responses are included in the survey document.

**Q10: The Shire of East Pilbara organises or provides financial support to a number of community events held in the East Pilbara. Which Shire of East Pilbara council community run events are you aware of?**

The verbatim responses are included in the survey document.

**Q11: Overall, how would you rate the overall quality of Shire council events you've attended?**

Very good	41%
Good	57%
Poor	2%
Very poor	0%

**Q12: What's the main reason that you don't/haven't attended any Shire events?**

Too far away/difficult to get there	49%
No time/working	38%
Not interested	8%
Not aware/didn't know about	3%
Don't know/no particular reason	3%

**Q13: Do you believe the Newman Queens Birthday Public Holiday should remain on the Monday after the Fortescue Festival weekend or be changed to the Monday after the Bloody Slow Cup weekend?**

Remain/stay where it is	53%
Change it	14%
No opinion/don't care	32%
Don't know/unsure	1%

**Q14: Can I ask you to rate your satisfaction with the overall performance of the Shire as either...**

	<b><u>2012</u></b>	<b><u>2011</u></b>
Very satisfied	17%	12%
Satisfied	67%	48%
Slightly satisfied	10%	25%
Neither	0%	3%
Slightly dissatisfied	3%	5%
Dissatisfied	3%	3%
Very dissatisfied	1%	1%
Don't know	0%	3%

**Q15: If there was one thing that the Shire of East Pilbara could do in the next financial year to improve services to the community, what would it be?**

The verbatim responses are included in the survey document.

**Q16: Council services – various**

**A. Airport**

Public transport to/from airport	82%
Enclosed pickup baggage area	73%
Shower & toilet facilities	61%
Establishing retail businesses at the airport	55%

**B. Community Services and Facilities**

After school care	70%
Extend hours of youth centre to night time	60%
Establishing a cinema	70%
Short term homelessness facility	35%
Encourage non-sporting activities	54%

**C. Safety and Security**

Supporting a night patrol	81%
Increase CCTV camera network	67%
Improve lighting	79%
Investigate options for a men's shed	21%
Support Neighbourhood Watch program	49%

**D. Building, Planning, Rangers & Development Services**

Public awareness of these services	84%
Education and advice on DAP	70%
Connecting these services to social media	46%
Animal welfare control	51%
Increase awareness of recreational vehicles	40%

**E. Roads, Footpaths, Parks and Gardens**

Promotion of bike/footpath network	83%
Plant trees/shrubs along major roads	69%
Increase accessibility of public toilets	71%
Improve pedestrian crossovers/walkways	67%

**F. Rubbish Control & Litter Collection**

Increase number of public rubbish bins	72%
Increase recycling pick up to weekly	69%
Weekly rubbish pick up on annual basis	45%
Increase bulk collections	53%
Enhance sustainability litter prevention	50%

**Q17: From the following list of services and activities, can you tell me which 3 areas you feel are the most important for the Shire of East Pilbara to be lobbying State and Federal government to improve provision of:**

Medical/health services	94%
Youth services	49%
Retail opportunities	47%
Land release/housing opportunities	38%
Improve road infrastructure	37%
Aged care facilities	33%

The remaining questions relate to participants profiles and are included in the survey document.

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **PLAN FOR FUTURE OF THE DISTRICT**

The results from the survey should be used as a guide for the ongoing improvement of Council services and for further lobbying and advocacy on behalf of the community.

#### **FINANCIAL IMPLICATIONS**

The cost of the annual survey is approximately \$30,000 and is budgeted for annually. Improvement on changes to services provisions will be from Council's existing financial resources.

#### **VOTING REQUIREMENTS**

Simple.

#### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/334**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council receive the results and comments of the December 2012 Annual Community Survey.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Kylie Bergmann, Coordinator Executive Services.***

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS  
- MARCH 2013**

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

11:19 AM Mr Allen Copper left Chambers.

11:20 AM Mr Allen Cooper returned to the Chambers

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

*(b) determine the local government's policies.*

**POLICY IMPLICATIONS**

Nil



## PLAN FOR FUTURE OF THE DISTRICT

### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

#### 3.1 Representation

##### 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region.

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

##### 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community.

Lobbying and advocacy role

How funded – Municipal Funds and funding opportunities

Responsible Directorate - Executive

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/335**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Stephen Kiernan**

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

**CARRIED  
RECORD OF VOTE: 8 - 0**

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

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

**19 APRIL, 2013**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by Council report in draft to be presented to Council in May 2013	On Going
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO	Being project managed by RPS. DA Lodged	On Going
15 March 2013	10.2.7	COMMUNITY ASSISTANCE GRANTS- JANUARY 2013- ROUND two (2012-2013) FINANCIAL YEAR	MCW	In Agenda 19 <sup>th</sup> April 2013	
15 March 2013	14.2	CIVIC CENTRE MARBLE BAR Cr Stephen Kiernan asked if there could be consideration given to the placement of public art in the area where the Christmas tree sits.  Deputy Chief Executive Officer, Sian Appleton, said this will be considered in the new budget.  Cr Stephen Kiernan also asked if the air conditioning at the Civic Centre could be serviced.  Deputy Chief Executive Officer, Sian Appleton, to follow up.	DCEO	In Budget	

**9.2.2 REALLOCATION OF COMMUNITY ASSISTANCE GRANTS ROUND TWO  
(2012-2013) FUNDING**

**File Ref:** CSV-9-4-2  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sharon Walsh  
Manager Community Wellbeing  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For council to approve the reallocation of monies from the Round 2, 2012 -2013 Community Assistance Grants programme.

**BACKGROUND**

At the March 2013 Council meeting, four (4) Community Assistance Grants applications were discussed for their endorsement. One of applications tabled was for an event that had already occurred, thus, this application did not meet the eligibility criteria. Therefore, the \$2,000 funding that was intended for this application, is available for redistribution as per Council resolution 201213/313.

**COMMENTS/OPTIONS/DISCUSSIONS**

As the current three (3) applications were at the time of the original assessment, the only eligible applications, it is suggested that the \$2,000 be equally redistributed to these prior approved applications. Therefore, it is recommended that the Newman Junior Soccer Association, Newman Women's Shelter and the Pioneers Football Club receive an increase of \$666.66 to their existing funding applications.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**6.6 COMMUNITY ASSISTANCE GRANTS**

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 – Community Enrichment**

To enrich our cultural, social and recreational lifestyles

**2.4 Recreational**

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

### **FINANCIAL IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Absolute.

### **OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Approve a Community Assistant Grant of \$2,666.66 in-kind contribution to Newman Junior Soccer Association to assist with the North West inter town Soccer Championships to be hosted by Newman.**
- 2. Approve a Community Assistant Grant of \$2,666.66 cash contribution to Newman Women's Shelter Inc. to assist with the community development project to beautify and improving community health/safety to Parnajinya Aboriginal Community.**
- 3. Approve a Community Assistant Grant of \$2,666.66 cash contribution to Pioneer Football & Sporting Club to assist in the beautification of the club house facilities and to upgrade their bar and food preparation area to ensure it complies with health and safety legislation.**

*An Interest was declared by Cr Gerry Parsons for Item No. 9.2.2 - No: 1*

*Nature of Interest: Financial*

*Extent of Interest: Secretary of the Junior Soccer Association*

*11:26 AM Cr Gerry Parsons left Chambers.*

### **COUNCIL RESOLUTION: 201213/336**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council;**

- 1. Approve a Community Assistant Grant of \$2,666.66 in-kind contribution to Newman Junior Soccer Association to assist with the North West inter town Soccer Championships to be hosted by Newman.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0**

*11:27 AM Cr Gerry Parsons returned to the Chambers*

*An Interest was declared by Cr Lynne Craigie and Cr Anita Grace for Item No. 9.2.2 - No: 2*

*Nature of Interest: Financial*

*Extent of Interest: Committee Members of the Newman Women's Shelter*

*Cr Lynne Craigie vacated the Chair*

*Cr Lang Coppin assumed the Chair*

*11:27 AM Cr Lynne Craigie and Cr Anita Grace left Chambers.*

**COUNCIL RESOLUTION: 201213/337**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Doug Stead**

**THAT Council;**

- 2. Approve a Community Assistant Grant of \$2,666.66 cash contribution to Newman Women's Shelter Inc. to assist with the community development project to beautify and improving community health/safety to Parnpajinya Aboriginal Community.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

*11:28 AM Cr Lynne Craigie returned to the Chambers*

*Cr Lang Coppin vacated the Chair*

*Cr Lynne Craigie assumed the Chair*

*An Interest was declared by Cr Anita Grace for Item No. 9.2.2 - No: 3*

*Nature of Interest: Financial*

*Extent of Interest: Cr Anita Grace's owner/operator of business supplies alcohol to Pioneer Football & Sporting Club.*

**COUNCIL RESOLUTION: 201213/338**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council;**

- 3. Approve a Community Assistant Grant of \$2,666.66 cash contribution to Pioneer Football & Sporting Club to assist in the beautification of the club house facilities and to upgrade their bar and food preparation area to ensure it complies with health and safety legislation.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0**

**Reason for Non Acceptance of Officer's Recommendation: Council wanted each item voted individually.**

*11:29 AM Cr Anita Grace returned to the Chambers*

***To be actioned by Sharon Walsh, Manager Community Wellbeing.***

### 9.2.3 NULLAGINE VARIETY CLUB BUS – CONDITIONS OF USE AGREEMENT.

**File Ref:** REC-7-3

**Attachments:** [Conditions of Use Nullagine Variety Club Bus March 2013SW doc](#)

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Ms Sharon Walsh  
Manager Community Wellbeing

**Location/Address:** Nullagine

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

11:30 AM Meeting adjourned.  
1:05 PM Meeting resumed, All Councillors and staff returned to Chambers.

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### REPORT PURPOSE

To seek Council approval to replace the current specific Operating Procedures of the Nullagine Variety Clubs Bus to a general Conditions of Use Agreement.

### BACKGROUND

In February 2008, Council approved the purchase of a bus for the purpose of providing transportation to recreational and sporting events for the children living in Nullagine. As part of the Resolution 200708/187, Council determined that specific operational guidelines needed to be developed, allowing the use of this Council owned asset by specific organisations.

### COMMENTS/OPTIONS/DISCUSSIONS

These operational guidelines have now become unsuitable as they only allow two external organisations to use bus, the Police and the Nullagine School. The introduction of a generic Conditions of Use Agreement will give the Chief Executive Officer the authority to approve suitable new users, without having to seek Council approval every time a new organisation requests the use of the vehicle.

A summary of the proposed changes of the Operational Guidelines to a generic Conditions of Use Agreement are as followed:

1. Update of the required licence required by any driver of the vehicle;
2. Deletion of all references of the 'control' of the vehicle to listing specific responsibilities of the Owner (Shire) and an approved User;
3. Inclusion of the Chief Executive Officer to approve any new user; and
4. Inclusion of the Chief Executive Officer to approve locations of where the vehicle can be driven to by all approved users.

The current Nullagine Children's Bus Operating Procedures are detailed below:

---

## Vehicle Use Procedures – Nullagine Children's Bus

### Appropriate Driver's Licence

Driver's will be required to have an MR class licence, with an F endorsement, to be able to drive the Nullagine children's bus.

### Control of Vehicle

The vehicle will be, under the direction of the Shire of East Pilbara, managed by the Nullagine Parents and Citizens Association. The Association will at all times adhere to the vehicle use policy. Failure to comply will result in the bus being returned to the Shire for management.

### Use of Vehicle

The vehicle can only be used by the following organisations, for the following purposes:

- Nullagine School – For excursions and educational, recreational and sporting activities in the towns of Newman and Marble Bar.
- Police – For children's excursions to Newman and Marble Bar for sport and recreational activities.
- Shire - For children's excursions to Newman and Marble Bar for sport and recreational activities

The vehicle cannot be used for any other purpose, with the exception of emergency situations which are detailed in following sections.

The vehicle is not permitted outside the Shire of East Pilbara unless prior approval is given or it is an approved emergency operation.

### Areas of Operation

The vehicle is only permitted to be used on Gazetted roads. Where the vehicle is to operate outside these areas, it must have the approval of the Shire of East Pilbara's Chief Executive Officer, or in his absence the Shire's Director Community Engagement. Approval will only be given where the trip is for an approved purpose and is to a reserve or national park or into a pastoral station where the only access is by a non-gazetted road.

### Vehicle for Commuting Purposes

The vehicle is not permitted to be used for home garaging or for taking staff home. The vehicle will at all times, when not being used, be stored in the Shire of East Pilbara's Nullagine Depot, or when in Newman or Marble Bar at the Shire's depot in those locations. When in other locations, appropriate storage will be identified before the vehicle can be used to transport children to that location.

### Passenger Contributions/Hire Charge

The bus is not permitted to be used for commercial purposes.

However, when hired by the Nullagine School for an excursion, it will be required to pay a fee that covers the cost of fuel and other operating costs.

The fee will be set by Council and will be publicised prior to implementation.

Extraordinary Use

The bus can be used to transport Nullagine residents from town in the event of a recognised emergency. Use of the bus for this purpose will only be countenanced if authorised by the Nullagine Police.

In all other cases, extraordinary use will only be considered where a written request is made to the Chief Executive Officer of the Shire of East Pilbara or in his absence, the Director Community Engagement.

Vehicle Maintenance

The Shire of East Pilbara will undertake all maintenance on the vehicle. The maintenance will be in line with any warranties and vehicle schedules issued with the bus at the time of purchase.

Additionally, in relation to routine maintenance and cleanliness, the following procedures will be adhered to:

- Cleaning – At the completion of a trip, the user will ensure that the vehicle is cleaned inside and out prior to it being returned to the Nullagine Depot.
- Fuel - It will be the responsibility of the user to ensure that the vehicle is fully fuelled.
- Pre Use Check - Prior to issuing the bus, the user will ensure that all fuels, oils and water are at appropriate levels and that tyres and all running gear are in serviceable condition. Where a problem is identified this will be brought to the attention of Shire staff, who will ensure that it is rectified. The vehicle is not to leave the depot until all checks are completed. A vehicle checking form will be developed and this will need to be completed and signed prior to the vehicle leaving the depot.
- Servicing – The Shire will ensure that servicing is carried out as per the manual, and by an authorised dealer, and will control all aspects of the maintenance and servicing of the vehicle.

A checklist will be held in the bus to ensure that those using it know exactly what is expected.

In the event that an organisation using the vehicle fails to comply with these requirements, future use of the vehicle will be withheld, until such time as the organisation can satisfy the Shire of East Pilbara that it will abide by the established maintenance procedures. A second failure will result in a permanent ban on the use of the vehicle.

Emergency Breakdown

In the case of a breakdown, the driver is to contact the Nullagine Depot, or failing that, the Shire's Head Office to advise Council of the situation. Under no circumstances is the driver to leave the vehicle or the children.

The driver is to advise the contacted person about the problem and the condition of the vehicle.

Where an emergency occurs, the contacted person will notify all personnel required to arrange for the recovery of the vehicle and all passengers.



The driver is to advise the contacted person when they and the passengers have been brought to a safe location.

#### Emergency Contacts

The vehicle must have emergency contact information for the following people in the vehicle at all times:

- Hospital and Medical Services (including Local Doctors)
- Police (Nullagine and destination station)
- Fire and Emergency Services.
- Shire of East Pilbara Nullagine Depot and Head Office
- Vehicle servicing and manufacturer.

An after hours contact list will be held in the bus for emergencies. It will be the responsibility of the Nullagine Parents and Citizens to ensure that the list is kept up to date.

#### Log Books

A log book, with details of date and time of use, mileage and destination will be maintained at all times. It will be the responsibility of the user to complete the log book at the commencement and completion of each trip.

#### Fuel

Fuel will be obtained from the Nullagine Depot in all instances. When in Marble Bar or Newman, the designated driver will be advised where to purchase or pick up fuel.

When obtaining fuel, sufficient details must be provided at the collection point to ensure that the fuel can be billed to the Shire, funded programme or user's organisation.

At the completion of each trip, the vehicle should be returned to the Depot with a full tank of fuel.

#### Smoking

No smoking will be permitted on the vehicle.

#### Accident Policy

Any Shire of East Pilbara staff or drivers who are involved in a vehicle accident in the Nullagine Children's Bus while driving on approved business should follow the procedures outlined below:

- Stop at once.
- As much as possible, ensure that the vehicle is not posing a further traffic hazard.
- Ascertain the extent of damage to the vehicle and any risk posed to passengers, other people and property within the vicinity of the accident. Where a danger is perceived move, if possible, all passengers, witnesses and bystanders to a safe place.
- At all times, ensure that the bus and property on board are monitored (from a safe distance).
- Offer comfort to anyone who might be injured.

- Call the Police, if required and an Ambulance in the case of injury to self or passengers.
- Get the names and addresses of all witnesses to the accident.
- Report the accident to the Shire of East Pilbara' head office as soon after the accident as possible.

If another vehicle is involved make sure you obtain and keep a record of the following information;

- The owner's name, address and telephone number.
- The driver's name, address and telephone number or other identification.
- The name of the owner's insurance company.
- The make, type and registration number of the car.
- Identify yourself to the other driver, together with your name, address and registration number.

If the police attend, make sure you:

- Provide the police with all relevant information about yourself and the other driver.
- Obtain and keep a record of the attending police officer's name, rank, number and station.

Try to recall and commit to memory (or write down) the details of the accident while they are still fresh in your mind.

Do not discuss the accident with anyone other than the police or the agency.

If personal injury or serious property damage is involved:

- Phone the Chief Executive Officer (or Director Community Engagement in his absence) and have them organise to notify the insurance company.
- Complete an Accident Report Form and give it to the Chief Executive Officer as soon as possible after the accident.
- Where passengers or the driver are injured, but not seriously enough to be taken to hospital by ambulance, have them attend a Doctor, Medical Service or Hospital as soon as possible after the accident.

When these procedures were developed some 5 year ago, the Nullagine P& C were the one and only regular user of the bus. In more recent times, RPM, a school holiday programme service provider employed by the Martu Trust have regularly requested the use of the bus to assist in the delivery of this programme.

An update of the Vehicle Use Procedures to a Conditions of Use agreement is now required to better reflect the responsibilities of not only the Shire, but also that of any new or existing user.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**6.3 YOUTH – PLANNING COMMUNITY FACILITIES AND YOUTH  
RECREATION PROGRAMS**

**Minute No: Item 9.1.3**

**Date: 27<sup>th</sup> June 2003**

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**Policy**

The Shire of East Pilbara recognises that young people between 12 and 18 years of age have specific recreational needs. These include:

- the need for space to meet with friends;
- the need for flexible programs which respond to changing trends;
- the need for unstructured activities;
- the need for low cost activities;
- the need for “healthy” alternatives to unemployment, boredom, vandalism, loitering, substance abuse and criminal behaviour; and
- the need for opportunities for personal development.

The Shire of East Pilbara takes all these needs into consideration when planning community facilities and youth recreation programs.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 – Community Enrichment**

To enrich our cultural, social and recreational lifestyles

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

2.2 Children (Less than 8)

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Community Engagement

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

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OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/339

MOVED: Cr Stephen Kiernan

SECONDED: Cr Dean Hatwell

THAT Council adopt the Conditions of Use Agreement for all existing and new users of the Nullagine Variety Club Bus as stated below:

CARRIED  
RECORD OF VOTE: 8 - 0

*To be actioned by Ms Sharon Walsh, Manager Community Wellbeing.*

Conditions of Use Agreement Nullagine Variety Club Bus.

Type of Licence required by driver

All drivers are required to have an MR class licence, with an F extension, to be able to drive the Nullagine children's bus.

Users are to make sure that all appointed drivers have a current Working with Children's Check card (WWCC).

Vehicle Usage

This vehicle was purchased to provide transportation of the Nullagine children and youth within the Shire of East Pilbara.

The vehicle can only be used by appropriate licensed staff from pre-approved organisations as authorised by the Chief Executive Officer, for the purposes of recreational, educational and cultural pursuits for the betterment of the youth of Nullagine.

The vehicle cannot be used for any other purpose, with the exception of emergency situations which are detailed in following sections.

The vehicle is not permitted outside the Shire of East Pilbara unless prior approval is authorised by the Chief Executive Officer.

Areas of Operation

Approval will only be given where the trip is for an approved purpose and is to a Reserve or National Park or into a pastoral station where the only access is by a non-gazetted road.

Upon application, the vehicle can be driven to the following locations as authorised and approved by the Chief Executive Officer:

- Cape Keraudren
- Running Waters (via Skulls Springs Road)
- Shaw River
- Coongan River
- Pardoo
- Locations within a 15kms radius of Nullagine, and
- East Pilbara Aboriginal communities upon individual application

Unauthorised Usage

The vehicle is not permitted to be used for home garaging or for taking staff home. It is not to be used for hunting and gathering purposes and cannot carry bush tucker. The vehicle will at all times, when not being used, be stored in the Shire of East Pilbara's Nullagine Depot, or when in Newman or Marble Bar at the Shire's depot in those locations. When in other locations, appropriate storage will be identified before the vehicle can be used to transport children to that location.

Passenger Contributions/Hire Charge

The bus is not permitted to be used for commercial purposes.

A User will be required to pay a fee that covers the cost of fuel and other operating costs.

The fee charged will be set by Council.

Extraordinary Use

The bus can be used to transport Nullagine residents from town in the event of a recognised emergency. Use of the bus for this purpose will only be countenanced if authorised by the Nullagine Police.

In all other cases, extraordinary use will only be considered where a written request is made to the Chief Executive Officer Vehicle Maintenance

The Shire of East Pilbara will undertake all maintenance on the vehicle. The maintenance will be in line with any warranties and vehicle schedules issued with the bus at the time of purchase.

Maintenance

Cleaning, Maintenance and Repair

- Cleaning – At the completion of a trip, the User will ensure that the vehicle is cleaned inside and out prior to it being returned to the Nullagine Depot. When exiting the vehicle please make sure all lights and air-conditioning switches are turned off.
- Pre Use Check - Prior to issuing the bus, the User will ensure that all fuels, oils and water are at appropriate levels and that tyres and all running gear are in serviceable condition. Where a problem is identified this will be brought to the attention of Shire staff, who will ensure that it is rectified. The vehicle is not to leave the Depot until all checks are completed. The vehicle prestart checking sheet will be issued to each User and this will need to be completed and signed prior to the vehicle leaving the depot by each User.

In the event that an organisation using the vehicle fails to comply with these requirements, future use of the vehicle will be withheld, until such time as the organisation can satisfy the Shire of East Pilbara that it will abide by the established maintenance procedures. A second failure will result in a permanent ban on the use of the vehicle.

### Emergency Breakdown

In the case of a breakdown, the driver is to contact the Nullagine Depot, or failing that, the Shire's Administration Office in Newman during working hours or the On-Call Duty Ranger after hours, to advise Council of the situation. Under no circumstances is the driver to leave the vehicle or the children.

The driver is to advise the contacted person about the problem and the condition of the vehicle.

Where an emergency occurs, the contacted person will notify all personnel required to arrange for the recovery of the vehicle and all passengers. The driver is to advise the contacted person when they and the passengers have been brought to a safe location.

### Emergency Contacts

The vehicle must have emergency contact information for the following people in the vehicle at all times:

- Hospital and Medical Services (including Local Doctors)
- Police (Nullagine and destination station)
- Fire and Emergency Services.
- Shire of East Pilbara Nullagine Depot and Head Office
- Vehicle servicing and manufacturer.

An after hour's contact list will be held in the bus for emergencies. It will be the responsibility of the Shire of East Pilbara to ensure that the list is kept up to date.

### Log Books

A log book, with details of date and time of use, mileage and destination will be maintained at all times. It will be the responsibility of the User to complete the log book at the commencement and completion of each trip.

### Fuel

Fuel will be provided to the User from the Nullagine Depot in all instances. When in Marble Bar or Newman, the designated driver will be advised where to purchase or pick up fuel.

When obtaining fuel, sufficient details must be provided at the collection point to ensure that the fuel can be billed to the Shire, funded programme or user's organisation.

At the completion of each trip, the vehicle should be returned to the Depot with a full tank of fuel.

### Smoking

No smoking will be permitted on the vehicle.

Accident Policy/Reporting of an accident

Any Shire of East Pilbara staff or Users who are involved in a vehicle accident whilst using the Nullagine Variety Club Bus should follow the procedures outlined below:

- Stop at once.
- As much as possible, ensure that the vehicle is not posing a further traffic hazard.
- Ascertain the extent of damage to the vehicle and any risk posed to passengers, other people and property within the vicinity of the accident. Where a danger is perceived move, if possible, all passengers, witnesses and bystanders to a safe place.
- At all times, ensure that the bus and property on board are monitored (from a safe distance).
- Offer comfort to anyone who might be injured.
- Call the Police, if required and an Ambulance in the case of injury to self or passengers.
- Get the names and addresses of all witnesses to the accident.
- Report the accident to the Shire of East Pilbara' head office as soon after the accident as possible.

If another vehicle is involved make sure you obtain and keep a record of the following information;

- The owner's name, address and telephone number.
- The driver's name, address and telephone number or other identification.
- The name of the owner's insurance company.
- The make, type and registration number of the car.
- Identify yourself to the other driver, together with your name, address and registration number.

If the police attend, make sure you:

- Provide the police with all relevant information about yourself and the other driver.
- Obtain and keep a record of the attending police officer's name, rank, number and station.

Try to recall and commit to memory (or write down) the details of the accident while they are still fresh in your mind.

Do not discuss the accident with anyone other than the police or the agency.

If personal injury or serious property damage is involved:

- Phone the Chief Executive Officer (or Director Community Engagement in his absence) and have them organise to notify the insurance company.



- Complete an Accident Report Form and give it to the Chief Executive Officer as soon as possible after the accident.
- Where passengers or the driver are injured, but not seriously enough to be taken to hospital by ambulance, have them attend a Doctor, Medical Service or Hospital as soon as possible after the accident.

**9.2.4 RECOMMENDATION FOR LEASE OF GALLOP HALL BY EAST PILBARA  
INDEPENDENCE SUPPORT INC.**

**File Ref:** A330548  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sharon Walsh  
Manager Community Wellbeing  
**Location/Address:** Nullagine  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to extend the lease of Gallop Hall by East Pilbara Independence Support Inc. for a further 12 months.

**BACKGROUND**

In June 2008, the Shire entered into a lease agreement with East Pilbara Independence Support Inc (EPIS) for the use of Gallop Hall. This lease is due to expire on the 31<sup>st</sup> July 2013.

**COMMENTS/OPTIONS/DISCUSSIONS**

EPIS endeavours to work with the Nullagine community when a casual hall hire booking is received. However, due to lack of alternative venues to operate from, EPIS does require some notice of intended use by the general public, to allow them to make alternative arrangements for their clients.

In September 2012, the Shire received a petition from 32 signatories stating their concerns that Gallop Hall is not readily available for use by the general public. Since this time, EPIS have changed their booking application form, stating a 3 day notification period for general bookings is required. This new system appears to be working well. Shire staff have received no feedback, either positive or negative, from members of the Nullagine community about their inability to use the facility when requested. One recent incident did occur regarding the use of the EPIS toilet located at the back of the Hall. However, this was quickly resolved and a suitable outcome for all concerned was achieved.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups.

Continuing role

How funded – Municipal Funds and other funding opportunities

**FINANCIAL IMPLICATIONS**

Council will continue to receive the nominated rental from this lease.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/340**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council seek public comment from the residents of Nullagine on the proposal to extend the lease of Gallop Hall to East Pilbara Independence Support Inc. (EPIS) for a further 12 month period, until the 31<sup>st</sup> July 2014.**

**CARRIED BY ABSOLUTE MAJORITY**

**RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Sharon Walsh, Manager Community Wellbeing.***

### 9.2.5 PUBLIC ART POLICY AND ADVISORY GROUP

**Attachments:** [Public Art Policy](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

This report is to request consideration of three items.

Firstly for Council to endorse the adoption of the draft Public Art Policy, secondly for Council to nominate a Councillor to be a member of the Advisory Group, and lastly to grant permission for the Shire to source a relevant community member for the Advisory Group.

### BACKGROUND

Public artworks form an important part of a town's character and an expression of its community, as well as its diversity and creativity.

Public arts helps identify and define a community as well as develop a sense of place through connecting people to place and providing a means of expression or interpretation of their culture and history.

What one individual interprets as 'art', another may not, for this reason the establishment of a Public Art Policy will ensure a best practice model for the management of public art within the Shire.

A copy of the draft Public Art Policy is attached.

### COMMENTS/OPTIONS/DISCUSSIONS

As indicated within the draft Public Art Policy, the Shire will adopt an Advisory Group, consisting of 1 x Councillor, 1 x staff member, the Deputy Chief Executive Officer or nominated officer and 1 x community member.

The Advisory Group will evaluate and make recommendation on approval for all public artworks proposed by the Shire, other public authorities, individuals and other groups in the Shire of East Pilbara's local government area and will be based on set criteria.

Council are requested to nominate a Councillor to be a member of the Advisory Group. In future, this will be part of the Annual Committee Agenda item.

Permission for the Shire to source a relevant community member for the Advisory Group is also being sought from Council.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 – Community Enrichment**

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/341**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Stephen Kiernan**

**THAT Council**

- 1. Endorse the adoption of the Public Art Policy.**
- 2. Nominate a Councillor, Cr Gerry Parsons to be a member of the Advisory Group.**
- 3. Give permission to source a relevant community member to be a member of the Advisory Group.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

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

## 9.2.6 ADOPTION OF PROPOSED FEES AND CHARGES 2013/14

**File Ref:** FIN 12-1  
**Attachments:** [Fees and Charges 2013-14 working .xlsx](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Candice Porro  
Expenditure Finance Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To seek Council endorsement of the proposed fees and charges to apply for the budget year 2013/14 as per copy attached.

### BACKGROUND

Section 6.16 of the Local Government Act 1995, enables Council to charge for any service that it provides. The schedule, as tabled, of proposed fees and charges is submitted for in-principle adoption only at this stage and will assist in the preparation of the 2013/14 budget. Formal adoption of next year's fees and charges will be included as part of the budget adoption process.

### COMMENTS/OPTIONS/DISCUSSIONS

The Schedule of Fees and Charges is under a separate cover.  
The Schedule is in two sections as follows;

1. Rates and Sanitation Fees and Charges, which will be advised for the budget adoption meeting.
2. Proposed Fees and Charges for adoption with the annual budget.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

### POLICY IMPLICATIONS

Nil

### PLAN FOR FUTURE OF THE DISTRICT

Nil

### FINANCIAL IMPLICATIONS

To be advised in the 2013/14 budget.

**VOTING REQUIREMENTS**

Simple.

***NOTE\****

***Cr Parsons tabled correspondence from the Newman Lions Club concerning fees for the Annual Newman Lions Fortescue Festival.***

***The Deputy Chief Executive Officer responded that there had not been any change to the fees being charged and a response will be sent to the Lion's Club advising them of the situation.***

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/342**

**THAT Council;**

- 1. Approval in principle to be given to the proposed Schedule of Fees and Charges;**
- 2. Such fees and charges be included in Council's draft 2013/14 budget.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

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

### 9.2.7 AMENDMENT TO THE ACCOUNTING POLICY

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Ms Angela McDonald  
Manager Finance and Administration Services

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To seek Councils endorsement to amend the Accounting Policies to reflect industry practice.

### BACKGROUND

The Accounting Policies must be reviewed and updated regularly to reflect current Accounting Standards as well as current industry and internal practices. This request is to align the Accounting Policies with industry practice.

### COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect current industry practice in regards to the recognition of non-current assets, in particular the recognition of Plant and Equipment and Furniture and Equipment. Currently purchases of these items will be recognised in the financial statements as a non-current asset when the value exceeds:

Plant and Equipment	\$1,000
Furniture and Equipment	\$500

It is proposed that the following is imposed:

Plant and Equipment	\$1,500
Furniture and Equipment	\$1,000

These limits have not changed for a number of years.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Western Australian Local Government Accounting Manual –

#### Section 9.1.3 Capitalisation Threshold

There are very practical reasons for establishing a minimum threshold amount for the recognition of any non-current assets in the statement of financial position. Without such limits, items like a \$25 calculator would be included as an asset as it would meet all the relevant recognition criteria. This level of asset recording does not present an efficient use of the local government's resources. To avoid this unnecessary detail, a threshold sets the value under which an asset is considered immaterial and expensed in the year it is acquired.

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Capitalisation threshold amounts should be reviewed annually to ensure they remain effective in the face of inflation. Capitalised thresholds are likely to vary between local governments due to their differences in financial capacity however, presented below are some examples of mid-point capitalisation levels in use for each classification of property, plant, equipment and infrastructure assets:

• Land	Nil
• Buildings	\$2,000
• Plant & Equipment	\$2,000
• Furniture and Equipment	\$2,000
• Infrastructure - Roads	\$5,000
• Infrastructure – Drainage	\$5,000
• Infrastructure - Parks and Gardens	\$5,000
• Infrastructure - Footpaths and Cycle-ways	\$5,000
• Infrastructure - Airports	\$5,000
• Infrastructure – Sewerage	\$5,000
• Infrastructure – Other	\$5,000
• Work in Progress	Same as applicable amount above

## **POLICY IMPLICATIONS**

### **3.1 *Accounting Policies***

**Minute No: Item 9.1.3**

**Date: 27<sup>th</sup> June 2003**

**9.2.8 28<sup>th</sup> July 2012**

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#### **Policy**

The significant accounting policies which have been adopted in the preparation of this financial report are:

##### **(a) Basis of Preparation**

The financial report is a general purpose financial report which has been prepared in accordance with applicable Australian Accounting standards (as they apply to local governments and not-for-profit entities), other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended). The report has also been prepared on the accrual basis under the convention of historical cost of financial assets and liabilities at fair value through profit and loss and certain classes of non-current assets.

**(b) Critical Accounting Estimates**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgement, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgement about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

**(c) The Local Government Reporting Entity**

All Funds through with the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust fund are excluded from the financial statements, but a separate statement of those monies appears at Note 22 to this financial report.

**(d) Fixed Assets**

**(i) Valuation of Fixed Assets**

Fixed assets will be recognised in the statements when the value exceeds the following amounts;

Land	\$0
Buildings	\$0
Plant and Equipment	\$1 000
Office Furniture and Equipment	\$500

**(ii) Initial Recognition**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed includes the cost of all materials, direct labour and variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are

recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

**(iii) Land under Roads**

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July, 2008, council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian accounting standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July, 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July, 2008 is not included as an asset of the Council.

**(iv) Revaluation of fixed Assets**

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the assets.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

**(v) Depreciation of Non-Current Assets**

Non-current assets having limited useful lives are to be depreciated over such useful lives using the straight-line method to reflect the consumption of the economic benefits embodied in such assets.

Major depreciation periods are:

Buildings	40 years
Plant and Equipment	3-10 Years
Computer Equipment and Software	3 Years
Furniture and Equipment	5 Years
Tools	3 Years

**(vi) Infrastructure Assets**

Infrastructure assets are those amenities, structures or facilities which assist the municipality in providing services to the community and may have the following characteristics:

- a long life;
- require substantial capital outlays;
- do not necessarily have a realisable value;
- usually a fixture not always readily visible or noticeable;
- consist of a number of components.

Infrastructure assets are capitalised if the threshold value exceeds \$5 000.

Infrastructure assets are depreciated on a straight-line basis over their useful lives as follows:

Bridges	75 years
Car Parks	20 years
Culverts	50 years
Cycle ways	50 years
Drains	25 years
Footpath – in situ concrete	50 years
Footpath – Slab	20 years
Irrigation	20 years
Kerbs and channel	50 years
Manholes	50 years
Median strips	50 years
Road seals – aggregate	15 years
Road seals – asphalt	25 years
Road (sealed) – pavement	50 years
Road (unsealed) – formed	20 years
Road (unsealed) – gravel	20 years

Street lights	25 years
Street signs	10 years
Water reticulation systems	20 years
Parks and Gardens	20 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income.

Capitalisation Threshold.

#### **(e) Employee Benefits**

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

##### **(i) Wages, Salaries, Annual Leave and Long Service Leave (short-term benefits)**

The provision for employee's benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount that the municipality has a present obligation to pay resulting from employees' services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the council expect to pay and includes related on-costs.

##### **(ii) Long Services Leave (Long-term benefits)**

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

**(f) Superannuation**

The superannuation expense for the reporting period is the amount of statutory contribution Council makes to the WA Local Government Superannuation Plan and other defined contribution schemes as requested by staff and is charged against revenue in the financial year to which the payment relates.

**(g) Financial Instruments**

*Initial Recognition and Measurement*

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit and loss', in which case transaction costs are expensed to profit or loss immediately.

*Classification and Subsequent Measurement*

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) The amount in which the financial asset or financial liability is measures at initial recognition;
- (b) Less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any between the amount initially recognised and the maturity amount calculated suing the effective interest rate method ; and
- (d) Less any reduction for impairment.

The effective interest method used is to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payment or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or

financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

**(i) Financial assets at fair value through profit and loss**

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling it.

**(ii) Loans and receivables**

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measure at amortised cost.

Loans and receivables are included in current assets and liabilities, except for those which are not expected to mature with 12 months within 12 months after the end of the reporting period. (classified as non-current assets)

**(iii) Held-to- maturity investment**

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity.

Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months for the reporting date, which are classified as current assets.

If the Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

**(iv) Available-for-sale financial assets**

Available-for-sale financial assets are non-derivatives financial assets that are either not suitable to be classified into other categories for financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to mature within 12 months after the end of the reporting period (classified as current assets).

**(v) Financial liabilities**

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

**Impairment**

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instrument, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the statement of comprehensive income.

**Derecognition**

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

**(h) Estimation of Fair Value**

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the statement of financial position date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustment of trade receivables and payables are assumed to approximate their fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash



flow at the current market interest rate that is available to the Council for similar financial instruments.

**(i) Impairment**

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the statement of comprehensive income.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement of cost of the assets.

**(j) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations and other contributions are recognised as revenue when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating periods or, where earlier, upon receipt of the rates.

Where contributions recognised as revenue during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at conditions are disclosed in Note 4 (c ). That note also discloses the amount of contributions recognised as revenue in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

**(k) Trust Funds**

Amounts received as tender deposits and retention monies controlled by Council are included in the statements.

Amounts received by Council in a custodial role, such as bonds on Council owned housing, have been excluded from the statements.

**(l) Inventories**

***General***

Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Inventories held from trading are classified as current even if not expected to be realised in the next 12 months.

***Land Held for Resale***

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.

**(m) Cash and Cash Equivalents**

Cash and cash equivalents in the statement of financial position comprise cash at bank and in hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Statement of cash flows, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the statement of financial position.

**(n) Trade and Other Receivables**

Trade receivables, which generally have 30-90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

**(o) Comparative Figures & Information**

Comparative figures included in the statements are based on previous years' actuals or, where unknown, reasonable estimates have been included. Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

**(p) Rounding off Figures**

All figures in this annual financial report are concise amounts.

**(q) Goods and Services Tax**

Revenues, Expenses and assets capitalised are stated net of any GST recoverable.

Receivables and payables in the statement of financial position are stated inclusive of applicable GST. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a Gross basis. The GST components of cash flows, arising from investing, or financial activities which are recoverable from or payable to, the ATO are presented as operating cash flows.

**(r ) Trade and Other Payables**

Trade payables and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in respect of the purchase of these goods and services. The mounts are unsecured and are usually paid within 30 days of recognition.

**(s) Interest-bearing Loans and Borrowings**

All loans and borrowings are initially recognised as the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the statement of financial position date.

***Borrowing Cost***

Borrowing costs are recognise as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

**(t) Provisions**

Provisions are recognised when: the Council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

**(u) Current and Non-current Classification**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the council's operational cycle. In the case of liabilities, where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability

is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on Council's to release for sale.

**(v) Budget Comparative Figures**

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

**3.4 Maintaining a High Standard of Governance**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/343**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Dean Hatwell**

**THAT Council adopt changes to the Accounting Policy as set out below.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Angela McDonald, Manager Finance and Administration  
Oficer***

### **3.1 Accounting Policies**

Minute No: Item 9.1.3

Date: 27<sup>th</sup> June 2003

9.2.8 28<sup>th</sup> July 2012

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#### **Policy**

The significant accounting policies which have been adopted in the preparation of this financial report are:

##### **(a) Basis of Preparation**

The financial report is a general purpose financial report which has been prepared in accordance with applicable Australian Accounting standards (as they apply to local governments and not-for-profit entities), other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended). The report has also been prepared on the accrual basis under the convention of historical cost of financial assets and liabilities at fair value through profit and loss and certain classes of non-current assets.

##### **(b) Critical Accounting Estimates**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgement, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgement about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

##### **(c) The Local Government Reporting Entity**

All Funds through with the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust fund are excluded from the financial statements, but a separate statement of those monies appears at Note 22 to this financial report.

**(d) Fixed Assets**

**(i) Valuation of Fixed Assets**

Fixed assets will be recognised in the statements when the value exceeds the following amounts;

Land	\$0
Buildings	\$0
Plant and Equipment	\$1,500
Furniture and Equipment	\$1,000

**(ii) Initial Recognition**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed includes the cost of all materials, direct labour and variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

**(iii) Land under Roads**

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July, 2008, council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian accounting standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July, 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July, 2008 is not included as an asset of the Council.

**(iv) Revaluation of fixed Assets**

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the assets.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

**(v) Depreciation of Non-Current Assets**

Non-current assets having limited useful lives are to be depreciated over such useful lives using the straight-line method to reflect the consumption of the economic benefits embodied in such assets.

Major depreciation periods are:

Buildings	40 years
Plant and Equipment	3-10 Years
Computer Equipment and Software	3 Years
Furniture and Equipment	5 Years
Tools	3 Years

**(vi) Infrastructure Assets**

Infrastructure assets are those amenities, structures or facilities which assist the municipality in providing services to the community and may have the following characteristics:

- a long life;
- require substantial capital outlays;
- do not necessarily have a realisable value;
- usually a fixture not always readily visible or
- noticeable;
- consist of a number of components.

Infrastructure assets are capitalised if the threshold value exceeds \$5 000.

Infrastructure assets are depreciated on a straight-line basis over their useful lives as follows:

Bridges	75 years
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Culverts	50 years
Cycle ways	50 years
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Footpath – in situ concrete	50 years
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Road seals – aggregate	15 years
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Road (sealed) – pavement	50 years
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Road (unsealed) – gravel	20 years
Street lights	25 years
Street signs	10 years
Water reticulation systems	20 years
Parks and Gardens	20 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by

comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income.

Capitalisation Threshold.

**(e) Employee Benefits**

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

**(i) Wages, Salaries, Annual Leave and Long Service Leave (short-term benefits)**

The provision for employee's benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount that the municipality has a present obligation



to pay resulting from employees' services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the council expect to pay and includes related on-costs.

**(ii) Long Services Leave (Long-term benefits)**

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

**(f) Superannuation**

The superannuation expense for the reporting period is the amount of statutory contribution Council makes to the WA Local Government Superannuation Plan and other defined contribution schemes as requested by staff and is charged against revenue in the financial year to which the payment relates.

**(g) Financial Instruments**

*Initial Recognition and Measurement*

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit and loss', in which case transaction costs are expensed to profit or loss immediately.

*Classification and Subsequent Measurement*

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) The amount in which the financial asset or financial liability is measures at initial recognition;
- (b) Less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any between the amount initially recognised and the maturity amount calculated suing the effective interest rate method ; and
- (d) Less any reduction for impairment.

The effective interest method used is to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payment or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

**(i) Financial assets at fair value through profit and loss**

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling it.

**(ii) Loans and receivables**

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measure at amortised cost.

Loans and receivables are included in current assets and liabilities, except for those which are not expected to mature with 12 months within 12 months after the end of the reporting period. (classified as non-current assets)

**(iii) Held-to- maturity investment**

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity.

Held-to-maturity financial assets are included in non-current assets, except for those with maturities less that 12 months for the reporting date, which are classified as current assets.

If the Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

**(iv) Available-for-sale financial assets**

Available-for-sale financial assets are non-derivatives financial assets that are either not suitable to be classified into other categories for financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to mature within 12 months after the end of the reporting period (classified as current assets).

**(v) Financial liabilities**

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

**Impairment**

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instrument, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the statement of comprehensive income.

**Derecognition**

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

**(h) Estimation of Fair Value**

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the statement of financial position date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustment of trade receivables and payables are assumed to approximate their fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flow at the current market interest rate that is available to the Council for similar financial instruments.

**(i) Impairment**

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the statement of comprehensive income.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement of cost of the assets.

**(j) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations and other contributions are recognised as revenue when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating periods or, where earlier, upon receipt of the rates.

Where contributions recognised as revenue during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at conditions are disclosed in Note 4 (c ). That note also discloses the amount of contributions recognised as revenue in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

**(k) Trust Funds**

Amounts received as tender deposits and retention monies controlled by Council are included in the statements.

Amounts received by Council in a custodial role, such as bonds on Council owned housing, have been excluded from the statements.

**(l) Inventories**

***General***

Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Inventories held from trading are classified as current even if not expected to be realised in the next 12 months.

***Land Held for Resale***

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.

**(m) Cash and Cash Equivalents**

Cash and cash equivalents in the statement of financial position comprise cash at bank and in hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Statement of cash flows, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the statement of financial position.

**(n) Trade and Other Receivables**

Trade receivables, which generally have 30-90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

**(o) Comparative Figures & Information**

Comparative figures included in the statements are based on previous years' actuals or, where unknown, reasonable estimates have been included. Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

**(p) Rounding off Figures**

All figures in this annual financial report are concise amounts.

**(q) Goods and Services Tax**

Revenues, Expenses and assets capitalised are stated net of any GST recoverable.

Receivables and payables in the statement of financial position are stated inclusive of applicable GST. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a Gross basis. The GST components of cash flows, arising from investing, or financial activities which are recoverable from or payable to, the ATO are presented as operating cash flows.

**(r) Trade and Other Payables**

Trade payables and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

**(s) Interest-bearing Loans and Borrowings**

All loans and borrowings are initially recognised as the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the statement of financial position date.

***Borrowing Cost***

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

**(t) Provisions**

Provisions are recognised when: the Council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

**(u) Current and Non-current Classification**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the council's operational cycle. In the case of liabilities, where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on Council's to release for sale.

**(v) Budget Comparative Figures**

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

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**9.2.8 APPLICATION TO DEPARTMENT REGIONAL DEVELOPMENT AND LAND  
FOR THE AMALGAMATION OF LOT 301, RESERVE 48297 AND LOT  
1656, RESERVE 46115**

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to apply to the Department of Regional Development and Lands for the amalgamation of Lot 301, Reserve 48297 and Lot 1656, Reserve 46115 the current purpose is a stated below:

Lot 301	"Cultural and Community"
Lot 1656	"Lions Club and animal park/refuge"

The amalgamation of the two Reserve with the purpose being "Community, Recreation and Short Stay Accommodation".

**BACKGROUND**

The Shire of East Pilbara Strategic Community Plan has identified the land on the two Reserves not being utilised to full capacity by the Community. Lot 301 has not been utilised by any organisation for the past 10 years for proposed Nursery and Lot 1656 is not fully being utilised by the Newman Lions Club

The proposal of the Open Green Space at this site would incorporate the following Community Infrastructure;

- Newman Lions Park – existing portion of land. Their lease agreement expires in 30<sup>th</sup> December 2015; and the committee supports the development of this site and as the organisers of the annual Fortescue Festival, they believe could be hosted on the new proposed open green space.
- Open Green space will provide a venue for community events and additional recreation facilities.
- Short Term Accommodation to accommodate tourists and other regional visitors who currently cannot find local accommodation; including campers, caravans and proposed overnight accommodation due to the lack of available accommodation in the region due to the mining industry demands.

Council Resolved and an application was made to the Department of Regional Development and Land for Lot 301 to change the purpose from "Cultural and Community to "Short Term Accommodation". A request to cancel this application will



be issued to Department Regional Development and Lands and the new application submitted if Council approve the Amalgamation and Change of Purpose.

### **COMMENTS/OPTIONS/DISCUSSIONS**

The Shire of East Pilbara is working closely with community for the best outcome for organisation, residence and tourists to the region. Concepts plans have been prepared by the Shire of East Pilbara and to date have received positive feedback. A business plan for the area is currently in draft form and will be presented to Council in May 2013

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

- 1.1 Financial Stability
- 1.2 Asset Management
- 1.3 Community Planning
- 1.7 Opportunities For Tourism
- 1.8 Viability of Community, Sporting and Volunteer Groups
- 1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups.
  - Continuing role
  - How funded – Municipal Funds and other funding opportunities
  - Responsible Directorate – Community Engagement

#### **Goal 2 – Community Enrichment**

To enrich our cultural, social and recreational lifestyles

- 2.2 Children  
(Less than 8)
- 2.3 Seniors (greater than 55)
- 2.4 Recreational
- 2.5 Cultural
- 2.6 Social
- 2.6.3 Develop and implement measures to enhance a “Pride in Place” culture/program.
  - July 2011
  - How funded – Municipal Funds and funding opportunities
  - Responsible Directorate – Community Engagement

#### **Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/344**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council**

- 1. Approve the application to the Department of Regional Development and Lands for Lot 301, Reserve 48297 and Lot 1656, Reserve 46115 to be amalgamated to one Reserve. The purpose being “Community, Recreation and Short Term Accommodation”.**
- 2. Approve the withdrawal of the previous application for the Purpose change to Lot 301, Reserve 48297 to “Short Term Accommodation”.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Marisa Wolfenden, Coordinator Building Services.***

### 9.2.9 CURRENT OUTSTANDING FUNDED PROJECTS

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

1:32 PM Cr Gerry Parsons left Chambers.

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### REPORT PURPOSE

To present to Council a report outlining current outstanding funded projects from the CLGF Royalties for Regions funding and BHP Billiton.

### BACKGROUND

Council receive grants annually from both Royalties for Regions, through the CLGF programme and BHP Billiton, through the Newman Tomorrow Fund. This report will outline current projects being undertaken through this funding.

### COMMENTS/OPTIONS/DISCUSSIONS

Please find set out below current and outstanding projects funded by the CLGF programme and the BHP Billiton Newman Tomorrow fund.

CURRENT SHIRE OF EAST PILBARA PROJECTS			
Project	Pending Funds	Received Funding	Comments
Royalties for Regions - CLGF			
10/11 Path Lighting		170,000.00	Ordered. Commencing shortly
11/12 Moondoorow Housing		1,036,663.00	Waiting on amalgamation of block from RDL.
12/13 Approved			
Newman Office Extensions	500,000.00		Waiting on acquittal of 10/11 funding before release of 12/13 funds.
Newman Community Centre	60,000.00		
Marble Bar Civic Centre	20,000.00		
Marble Bar Memorial	100,000.00		
Ethel Creek Toilet	200,000.00		
M/Bar and Nullagine Court Upgrade	100,000.00		
M/Bar Depot Toilet Block	56,663.00		
	1,036,663.00	1,206,663.00	
BHP BILLITON PROJECTS			
11/12 Newman Tomorrow Project			
Calcott Beautification		416,000.00	Design and specifications undertaken. Will go to tender in next few weeks.
Fortescue Activity Trail		900,000.00	Design and specifications undertaken. Will go to tender in next few weeks.
Rubbish Programme		24,000.00	Completed.
Recycling Shed		60,000.00	Design still being undertaken.
Civic Centre Development		100,000.00	Design phase almost completed. Report to be presented to council in May.
12/13 Newman Tomorrow Projects			
Calcott Beautification Stage 2 Planning		30,000.00	Currently requesting quotes for design.
Lions Park Plan		50,000.00	In draft. Will be presented to Council in May.
Family and Youth Plan		100,000.00	Has just commenced. Initial letters sent to stakeholders.
Rubbish Programme		24,000.00	Being undertaken.
Miners Promise Park Amenity		190,000.00	Will go to tender in the next few weeks.
Junior Sports Shade		40,000.00	Quotes being sought.
Calcott Beautification Stage 2	446,000.00		Pending outcome of design works.
Heritage Trail	500,000.00		Pending
Newman Recreation Plan	120,000.00		Tenders received. Currently being evaluated.
12/15 Newman Events		750,000.00	Tenders out. Close shortly.
12/13 Community Safety & Crime Prevention Project		150,000.00	Will go to tender in the next few weeks.
	1,066,000.00	2,834,000.00	

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **PLAN FOR FUTURE OF THE DISTRICT**

### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

- 1.1 Financial Stability
- 1.3 Community Planning

- 1.3.1 Continue Implementation of the NewmanTomorrow: A Home for Generations document.  
Time lines contained within document  
How funded – Various as indicated in the document  
Responsible Directorate - All
- 1.3.2 Annually review the NewmanTomorrow: A Home for Generations document.  
Annually in December  
How funded – Municipal Funds  
Responsible Directorate - Executive

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/345**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Shane Carter**

**THAT Council receive the current funded project report as outlined below:**

**CARRIED  
RECORD OF VOTE: 7 - 0**

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

<b>CURRENT SHIRE OF EAST PILBARA PROJECTS</b>			
	<b>Project</b>	<b>Pending Funds</b>	<b>Received Funding</b>
<b>Royalties for Regions - CLGF</b>			
	10/11 Path Lighting		170,000.00
	11/12 Moondoorow Housing		1,036,663.00
	12/13 Approved		
	Newman Office Extensions	500,000.00	
	Newman Community Centre	60,000.00	
	Marble Bar Civic Centre	20,000.00	
	Marble Bar Memorial	100,000.00	
	Ethel Creek Toilet	200,000.00	
	M/Bar and Nullagine Court Upgrade	100,000.00	
	M/Bar Depot Toilet Block	56,663.00	
		<b>1,036,663.00</b>	<b>1,206,663.00</b>
<b>BHP BILLITON PROJECTS</b>			
	<b>11/12 Newman Tomorrow Project</b>		
	Calcott Beautification		416,000.00
	Fortescue Activity Trail		900,000.00
	Rubbish Programme		24,000.00
	Recycling Shed		60,000.00
	Civic Centre Development		100,000.00
	<b>12/13 Newman Tomorrow Projects</b>		
	Calcott Beautification Stage 2 Planning		30,000.00
	Lions Park Plan		50,000.00
	Family and Youth Plan		100,000.00
	Rubbish Programme		24,000.00
	Miners Promise Park Amenity		190,000.00
	Junior Sports Shade		40,000.00
	Calcott Beautification Stage 2	446,000.00	
	Heritage Trail	500,000.00	
	Newman Recreation Plan	120,000.00	
	12/15 Newman Events		750,000.00
	12/13 Community Safety & Crime Prevention Project		150,000.00
		<b>1,066,000.00</b>	<b>2,834,000.00</b>

#### 9.2.10 MONTHLY FINANCIAL STATEMENTS FEBRUARY 2013

**File Ref:** FIN-23-5  
**Attachments:** [Council Financial Statements Feb 13.pdf](#)  
[February Variance Report.doc](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Angela McDonald  
Manager Finance and Administration Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil  
*1:34 PM Cr Gerry Parsons returned to the Chambers*

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#### REPORT PURPOSE

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

#### BACKGROUND

The attached 11-page report details the financial activities of the Council for the period July 2012 to February 2013 of the 2012/2013 financial year –

There are 4 sections of the monthly report:

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

#### COMMENTS/OPTIONS/DISCUSSIONS

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

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

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

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Part 6 Financial Management  
Division 4 General financial provisions  
Section 6.4(2)

*“The financial report is to –*

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

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

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

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

## **POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

### **POLICY**

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

### **PLAN FOR FUTURE OF THE DISTRICT**

Nil.

## **FINANCIAL IMPLICATIONS**

This report discloses financial activities for the period under review.

## **VOTING REQUIREMENTS**

Simple.



OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/346

MOVED: Cr Anita Grace

SECONDED: Cr Stephen Kiernan

That the monthly financial statements for the period July 2012 to February 2013 of the 2012/2013 financial year as presented be received.

CARRIED  
RECORD OF VOTE: 8 - 0

*To be actioned by Ms Angela McDonald, Manager Finance and Administration Services.*

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### 9.2.11 CREDITORS FOR PAYMENT

**File Ref:** FIN 10-2

**Attachments:** [schedule of accounts eft.pdf](#)  
[schedule of accounts chq.pdf](#)  
[schedule of accounts written chq.pdf](#)

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Mrs Candice Porro  
Expenditure Finance Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

1:37 PM Cr Doug Stead left Chambers.

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### 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 15th March 2013.

### COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT18777-EFT19111	2,298,168.37
	<b>Total</b>	<b>\$2,298,168.37</b>
Cheque Payments	22009-22065	155,715.52
Written Chq Payments	69-75	\$56,731.40
	<b>Total</b>	<b>\$212,446.92</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,510,615.29</u></b>

*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  
71, 73, 74, 75

CANCELLED CHEQUES & EFTS  
22021

**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.

**PLAN FOR THE FUTURE OF THE DISTRICT**

Nil.

**FINANCIAL IMPLICATIONS**

Total expenses of \$2,510,615.29

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/347**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT18777-EFT19111	2,298,168.37
	<b>Total</b>	<b>\$2,298,168.37</b>
Cheque Payments	22009-22065	155,715.52
Written Chq Payments	69-75	\$56,731.40
	<b>Total</b>	<b>\$212,446.92</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,510,615.29</u></b>

**CARRIED**  
**RECORD OF VOTE: 7 - 0**

*To be actioned by Ms Candice Porro, Expenditure Finance Officer.*

**9.2.12 CONTRACT FOR CLEANING SERVICES - CHANGE OF OWNERSHIP  
DCW CLEANING RESOURCES.**

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services

**Proposed Meeting Date:** 19 April 2013

**Location/Address:** Newman

**Name of Applicant:** DCW Cleaning Resources

**Author Disclosure of Interest:** Nil

1:39 PM Cr Doug Stead returned to the Chambers  
1:41 PM Cr Stephen Kiernan left Chambers.

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**REPORT PURPOSE**

To seek Council approval for the new owners of DCW Cleaning Resources to continue the Contract for Cleaning Services in Newman until the 31<sup>st</sup> December 2013.

**BACKGROUND**

On the 3<sup>rd</sup> April 2013 the Shire of East Pilbara was advised by Diana Wakefield owner of DCW Cleaning Resource that the business had been sold. The new owners of DCW Cleaning Resources are Rosemary Ann Smith and Douglas William Stephenson will be trading under the name of DCW Cleaning Services.

The Shire of East Pilbara requested McLeod's Solicitors to review the Contract for Cleaning Services and the following was identified;

*Clause 5.1 of the Request for Tender made the following provision in relation to the period of the cleaning contract:*

***"PERIOD CONTRACT***

*The Contract will be in force for a period of Three (3) years from the date of award of the Contract with a Principal instigated option to extend for a one (1) year period, and then for up to twelve (12) months after that to a maximum of five (5) years."*

*The Shire's letter dated 22 December 2010 to the Contractor provides that the contract period of 3 years would commence on 1 January 2011. It follows then that the initial three-year period would expire on 31 December 2013. The Shire would then have the option of granting two further terms of one year. If both one-year options were granted the contract would expire on 31 December 2015.*

*Recommendations*

---

*If the Shire is willing to approve the proposed assignment of the contract, then I recommend that the assignment be documented in a deed of assignment, whereby the assignee covenants to comply with the terms and conditions of the contract as if it were the original contractor. The assignee should also acknowledge that the initial term expires on 31 December 2013 and that the two further terms of one year will only be granted in the discretion of the Shire.*

Please find attached documentation from DCW Cleaning Resources requesting Principal approval for the Contract of Cleaning Services to continue under new ownership but remain trading in the name of DCW Cleaning Resources

### **COMMENTS/OPTIONS/DISCUSSIONS**

Further discussions with the current owners of DCW Cleaning Resources have indicated they will have a change over period with the new owners for approximately 1 month, and are intending to remain in Newman to the end of the year and will give support to the new owners, if required.

Additional information and documentation has been requested from the new owners of DCW Cleaning Resources whom are taking over the business as from the 1<sup>st</sup> May 2013;

- Police Clearances
- Business Insurance Documents
- Experience in the industry
- Certificates
- ABN
- Business Details

Please find attached letter from Diana Wakefield which gives a brief description and history of the new owners.

That Council be advised at 25<sup>th</sup> October 2013 Council Meeting, if the Contract for Cleaning Services will go to public tender for works commencing 1<sup>st</sup> January 2014 or the two further terms of one year will be extended to DCW Cleaning Resources.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

*Supporting Opportunities that Encourage Growth and Diversity*

1.2 Asset Management

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/348**

**MOVED:** Cr Shane Carter

**SECONDED:** Cr Gerry Parsons

**THAT Council**

1. Approve the new owners of DCW Cleaning Resources to complete the Contract of Cleaning Services until the 31<sup>st</sup> December 2013 under the same terms and conditions subject to the following documentation being provide to Council;
  - a) Police Clearance, including staff
  - b) Business Insurance Documents
  - c) Experience
  - d) Certificates
  - e) ABN
  - f) Business Details
2. Enter into a Deed of Assignment with the new owners of DCW Cleaning Contract until the 31<sup>st</sup> December 2013.
3. Apply the common seal to the Deed of Assignment between the Shire of East Pilbara and DCW Cleaning Resources until 31<sup>st</sup> December 2013.
4. That Council be advised at the 25<sup>th</sup> October 2013 Council Meeting, if the Contract for Cleaning Services will go to public tender or DCW Cleaning Resources is offered two further terms of one year, commencing 1<sup>st</sup> January 2014.

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0**

*To be actioned by Ms Marisa Wolfenden, Coordinator Property Services.*



ABN 89 612 156 628

9 GREGORY AVENUE  
PO BOX 90  
NEWMAN  
WA 6753

Ph: 08 9177 8357  
Fax: 08 9175 2815  
Mobile: 0409 313 730

03/04/2013

**Tender RFT Number: 4/2010-11 Cleaning Services**

Diana Cristine Wakefield requests the approval of Shire of East Pilbara to sell DCW Cleaning Resources as under section 5.8 of tender RFT number 4/2010-11 Cleaning Services.

**(Under Section 5.8 CONTRACTOR'S RESPONSIBILITY**

The Contractor shall submit for approval by the Principal, and, prior to the event, any proposed changes in proprietorship of the firm or organisation and/or the sale of your business or part thereof whilst the Contract is in force).

Diana Cristine Wakefield sole trader/trading as DCW Cleaning Resources requests the approval of Shire of East Pilbara to sell DCW Cleaning Resources to Vitruvian Media ATF Honkynut Trust as per Section 5.8 of Tender RFT Number: 4/2010-11 Cleaning Services

Some Information about the buyers of DCW is:-

Rosemary Ann Smith and Douglas William Stephenson are the purchasers of DCW Cleaning Resources.

Rose has 4 years' experience running a small cleaning team (up to 12 people) while employed by the Department of Corrective Services at Banksia Hill Detention Centre. Rose has a training, administration and HR background and has worked in several government and mining roles for over 6 years. Rose is undertaking a Cert IV in Training and Assessing.

Doug has managed a team of up to 14 mining staff in his role as a senior geologist and has worked for over 10 years in open pit mining in W.A. He has also run his own business in small business marketing for 2 years and various online projects. Doug is presently completing his Cert IV in Frontline Management.

Yours Sincerely,

Diana Wakefield



### 9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

#### 9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - MARCH 2013

**File Ref:** CLR 4-5  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil  
*1:45 PM Cr Stephen Kiernan returned to the Chambers*

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

*(b) determine the local government's policies.*

#### POLICY IMPLICATIONS

Nil

#### PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

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To Provide Sound Leadership and Strong Representation

**3.1 Representation**

**3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region.**

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

**3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community.**

Lobbying and advocacy role

How funded – Municipal Funds and funding opportunities

Responsible Directorate - Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/349**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Stephen Kiernan**

**THAT the “Status of Council Decisions” – Director Technical and Development Services for March 2013 be received.**

**CARRIED**

**RECORD OF VOTE: 8 - 0**

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

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

**19 APRIL, 2013**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Gathering of information to be included on signs/plaques	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS	Technical Services to review requirement of tender & length of contract before re-tendering	Pending
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	DTDS	Tenure of land and alignments to be investigated and feasibility assessed	In Progress
8 February 2013	13.8	NEWMAN SHOPPING CENTRE CAR PARK MOTHERS WITH PRAMS Cr Doug Stead has asked if shade sail can be put over the car parks for mothers with prams as the wide car parks allocated for this purpose have no shade or if it was possible to move the signs and allocate parking in the shaded sail area.  Director Technical and Development Services to follow up.	DTDS MTS-Newman	Options being costed and investigated	April 2013
8 February 2013	13.9	ALLOCATED PARKING FOR NEWMAN AIRPORT STAFF Cr Gerry Parsons raised an issue brought to her attention regarding allocated parking for Newman Airport Staff Parking as it has been raised it could become a safety issue when staff are walking to and from their vehicles especially at night as it is	DTDS MAS	Options being costed and investigated	April 2013

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

**19 APRIL, 2013**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Gathering of information to be included on signs/plaques	In Progress
		very dark, and staff parking are not together so you do not know who could be waiting. Is it possible for Newman Airport staff to have allocated parking, and also next to lighting so staff members can walk together to their vehicles and feel safe?  Director Technical and Development Services to follow up.			
15 March 2013	14.5	KLONDYKE STREET, NEWMAN Cr Gerry Parsons asked if two of the Department of Housing homes could be inspected by our Manager Development Services – Health, as she had received complaints about the sanitation of these houses.  Director Technical & Development Services, Rick Miller, to follow up.	DTDS MDS-Health	This has been investigated by Shire Health Services and a letter has been sent to Department of Housing and the Minister	April 2013

### 9.3.2 NEWMAN SEWAGE TREATMENT PLANT EXPANSION STRATEGY

**File Ref:** STR-10-2  
**Attachments:** [STP Upgrade Strategy 18000 portfolio.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Rick Miller  
Director Technical and Development Services  
**Location/Address:** Lot 144 P192902, Windell  
**Name of Applicant:** Shire  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To seek Council endorsement of the Newman Sewage Treatment Plant: Expansion Strategy for Town Population Growth up to 18,000.

#### BACKGROUND

The existing Sewage treatment plant is a vital piece of infrastructure that is instrumental in the development of the townsite not only from the treatment of sewage but also in the provision of providing critical recycled water for the irrigation of Newman's Parks, Gardens and Ovals.

As part of the Pilbara Cities Program, Newman townsite has been identified as sub regional centre with a planned sustained population growth of at least 15,000. To achieve this goal, significant planning and investment in infrastructure will be required and this document details the works required and timeline to achieve these goals.

The document will be an important tool that will be used by Council to not only set out the implementation strategy but used to attract funding for the project.

#### COMMENTS/OPTIONS/DISCUSSIONS

The sewage treatment plant as mentioned plays a vital and important role in the running of the town and maintaining a high standard of grassed areas for our recreational facilities.

The expansion strategy highlights that the existing plant is operating on or near or above its capacity on any given day and given the role the plant plays in the town's wellbeing that, the upgrade be given a high priority.

Some discussions have been held with the Minister and greater support may be received if other stakeholders(Water Corporation) are involved and the project includes not only the Sewage Treatment Plant works but also the associated Water

Corporation controlled pump stations and pipe network that brings the sewage to the treatment plant.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

- 1.4 Improve Management of, Opportunities for Recycling and Reuse of Waster
  - 1.4.1 Develop and implement waste management plans for all Council operated waste management facilities including options to address waste reduction, recycling and reuse.
    - Complete Plans by July 2010
    - How funded – Municipal Funds
    - Responsible Directorate – Technical Services
  - 1.4.2 Support the Pilbara Regional Council in its regional waste management planning where it benefits the Shire of East Pilbara
    - How funded – Municipal Funds
    - Responsible Directorate – Technical Services

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/350**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Gerry Parsons**

**THAT Council endorse the Newman Sewage Treatment Plant: Expansion Strategy for Town Population Growth to 18,000.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

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

**9.3.3 PROPOSED AMENDMENTS TO LOCAL PLANNING POLICY NO. 1 - EAST  
NEWMAN MASTER PLAN**

**File Ref:** PLN-2-1  
**Attachments:** [LPP1 - AMENDMENTS APRIL 2013.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Landcorp East Newman Subdivision  
**Name of Applicant:** URBIS on behalf of Landcorp  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is in relation to proposed amendments to Local Planning Policy No. 1 – East Newman Master Plan.

**BACKGROUND**

Local Planning Policy No. 1 was initially adopted by Council at its ordinary meeting held on 29 May 2009. The policy itself relates directly to Landcorp's East Newman Subdivision and was adopted to guide development within the immediate area to ensure housing and development was undertaken in a coordinated approach and maintained a predominance of the base R15 density.

Since originally being adopted, Council has approved amendments to the policy which generally included the increase in lot density which achieved lot sizes which are more sustainable for the Pilbara climatic conditions. Additionally, the increased density allows for a greater number of residential opportunities within the townsite. Additionally, and at the request of the Department of Planning, previous amendments also included the Lot 511 development area due to the lack of existing structure planning provisions within Town Planning Scheme No. 4 (the Scheme). The amendments were approved and adopted by Council at its ordinary meeting of December 2012.

Since the above mentioned amendments, there has been an increase in the demand of Grouped Dwelling Sites by both Landcorp and Department of Housing (DoH). The purpose of the grouped dwelling sites is primarily for DoH to provide service and essential workers accommodation in a format that is easily managed and maintained. The amendments the subject of the current request is for the increase in area of an existing grouped dwelling site as well as the creation of a new site resulting from issues relating to lot layout. Additionally, and as a result of the increased lot areas to the grouped dwelling sites, there are minor modifications to two (2) Public Open Space (POS) areas.

## **COMMENTS/OPTIONS/DISCUSSIONS**

The proposed amendments relating directly to grouped dwelling sites are as follows:

- An increase in the size of the site in the north of the Master Plan area as a result of taking additional land from POS area 9;
- Creation of a new grouped dwelling site adjoining POS area 3.

In relation to the above, and more specifically the new site, it is located in an area highly suited to grouped dwellings given its proximity to POS allowing for enhanced surveillance and streetscape amenity. There are no issues with increasing the size of the northern site as this site already exists on the current Master Plan albeit with a change in size. Changes to the grouped dwelling sites have been highlighted on the plans attached.

There are no issues with regards to the changes in size of POS area as the amended plan reduces the POS down from 11.64% to 11.62% which is insignificant given that the minimum requirement is for 10%.

Given that there are no material concerns relating to the proposed amendments, it is considered appropriate for Council to initiate amending the Master Plan.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

In accordance with Town Planning Scheme No. 4 Clause 2.4, Council must resolve to prepare and or adopt an amendment to a Local Planning Policy and then advertise such in a Newspaper circulating in the district once a week for two weeks and request submissions to be made within a period of time being not less than 21 days. After such time, Council will need to consider any submissions received then resolve to adopt such Local Planning Policy with or without modification.

## **POLICY IMPLICATIONS**

Nil

## **PLAN FOR FUTURE OF THE DISTRICT**

### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

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

## **FINANCIAL IMPLICATIONS**

No financial resource impact.



**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/351**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Dean Hatwell**

**THAT Council in accordance with Clause 2.4 of Town Planning Scheme No. 4 resolves to amend Local Planning Policy No. 1 – East Newman Master Plan by replacing the existing plan which was adopted by Council on 29 May 2009 with the plan prepared by URBIS and dated 30 August 2012 and in doing so undertakes the following procedures:**

- 1. Publish a notice of the proposed Policy amendments in a newspaper circulating within the district inviting comments to be made on the proposed Policy and such comment period shall be open for not less than 21 days;**
- 2. Upon completion of the public advertisement period, consider any such submissions received and review the policy where necessary and further resolve to proceed with the adoption of such policy with or without modification and/or resolve not to proceed with such policy.**

**CARRIED  
RECORD OF VOTE: 8 - 0**

***To be actioned by Mr Adam Majid, Manager Development Services – Planning.***

**9.3.4 PROPOSED NEW RESERVE FOR TOURISM AND RECREATION -  
MARBLE BAR**

**File Ref:** PLN-5-6  
**Attachments:** [Fossicking Reserve.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

---

**REPORT PURPOSE**

Council's consideration is required for the vesting of land under management order for the purposes of Tourism and Recreation.

**BACKGROUND**

A request has been received from the Department of Mines & Petroleum (DMP) with respect to a parcel of land south of the Marble Bar townsite and such request pertaining to the vesting of such land to the Shire. The subject land was exempted from the Mining Act 1978 at the request of Council in 1992 to allow time for Council to make the necessary arrangements with regards to having the land reserved and vested to the Shire. However, it would appear that no attempt has been made since such time to actually progress such proposal hence the renewed request from DMP.

It is understood that the subject area is used for the purposes of fossicking (prospecting) mainly for Jasper which is synonymous with Marble Bar and its surrounds. It is intended that this particular activity will be retained and is considered as a tourism benefit to the region.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Shire's planning section has made enquiries with the Department of Regional Development and Lands (RDL) with regards to the proposal to reserve the subject land. In considering the proposal, RDL have indicated that they would accept a reservation over the land for the purposes of Tourism and Recreation which will allow the continuation of the land as it has been used for over the years.

The subject land is approximately 258 hectares in area and any progression of the land to make it a reserve would require Council to accept management orders once approved by RDL.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Section 41 of the Land Administration Act 1997 allows the Minister by order to reserve Crown land to the Crown for one or more purposes in the public interest. As Council showed a desire previously to reserve the subject land, it is required to request the Minister to undertake such powers.

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/352**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Dean Hatwell**

**THAT Council formally request the Minister for Lands to Reserve the Special Category S19/40 area of land south of the Marble Bar townsite in accordance with Section 41 of the Land Administration Act 1997 for the purposes of "Tourism and Recreation".**

**CARRIED  
RECORD OF VOTE: 8 - 0**

***To be actioned by Mr Adam Majid, Manager Development Services – Planning.***

**9.3.5 TENDER 6-2012/2013 - PROVISION OF CONSULTANCY SERVICES FOR  
THE PREPARATION OF THE SHIRE OF EAST PILBARA LOCAL  
PLANNING STRATEGY**

**File Ref:** LEG-13-1-19  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

---

**REPORT PURPOSE**

To seek Council's approval for the acceptance of tenders for the provision of consultancy services for the preparation of a Local Planning Strategy.

**BACKGROUND**

The Shire was awarded grant funding of \$150,000 through the Northern Planning Program (part of Royalties for Regions) in the 2011/12 financial year to undertake the preparation of a Local Planning Strategy (LPS), however, due to internal structural changes and staff changeovers the money was not utilised. On commencement of the new Planning Manager in December 2011, the request was made to carry forward the grant into the 2012/13 year which was approved by the Department of Planning (DoP) (fund caretaker).

Further and additional to the above, it was noted that the grant was to include a Town Planning Scheme Review. On discussions with DoP, The Shire's planning manager advised that it would not be able to achieve both a LPS and a Scheme Review for the allocated amount of funding. It has since been agreed that the allocated funds will be used entirely for the preparation of the LPS.

The Shire also has at its disposal remaining funding from the 2010/11 year where the Shire was allocated \$50,000 for "planning assistance". Of such funding, there still remains \$25,000 to be spent which can be used in conjunction with the funding for the LPS. In total, the Shire has a total of \$175,000 available for the preparation of the LPS.

By way of background, the Shire's existing Local Planning Strategy was endorsed by the Western Australian Planning Commission (WAPC) in June 2004 and was designed to guide development of the Shire for the next 10-15 years. However, due to unprecedented growth pressures, the existing LPS fails to meet the requirements for proper and orderly planning for the future delivery of land with all types of zoning for today and the future.

Under the Western Australian planning legislative framework, where a Planning Scheme zones and/or classifies land, there must be a LPS prepared. When the WAPC considers amendments to a Town Planning Scheme, the WAPC must be satisfied that such amendments are generally consistent with the LPS. At present, the Shire, through support from Landcorp and its operations, is currently undergoing major development projects which are currently not covered by the current LPS. This has caused concern with the DoP generally; however, the adoption of the Newman Revitalisation Plan has been able to provide some comfort to the DoP and WAPC in determining recent and upcoming Scheme amendments. However, it has now become necessary to commence preparation of a new LPS which covers the future development needs of the Shire as a whole.

Hames Sharley were engaged to prepare the tender document due to their existing working relationship with the Shire and such service included the condition that they were not exempt from submitting a Tender.

The tender was advertised in The West Australian on the 19<sup>th</sup> and 23<sup>rd</sup> of January 2013 with a closing date and time of 4:30pm on Thursday February 14. At the close of the tender period, the following consultants successfully submitted a tender:

- Umwelt;
- Woodsome Management;
- Cardno;
- TPG;
- Hames Sharley;
- TME;
- URBIS;
- GHD;
- Preston Consulting;
- Taylor Burrell Barnett;
- Greg Rowe and Associates; and
- Land Insights.

## **COMMENTS/OPTIONS/DISCUSSIONS**

The tender required that all tenderers respond to the selection criteria containing both Compliance Criteria and Qualitative Criteria. Compliance Criteria was evaluated on a Yes/No basis of which all tenderers successfully met such criteria.

The Qualitative Criteria for the tender consisted of the following:

### **A. Relevant Experience – 40%**

- a. Provide details of previous work for the Shire of East Pilbara or within the Shire itself;
- b. Provide details of previous/current projects of a relevant nature that the Tenderer has had a leading role in;
- c. Provide scope of the Tenderer's involvement including details of outcomes;

- d. Provide details of issues that arose during the project and how these were managed; and
- e. Demonstrate competency and proven track record of achieving outcomes.

**B. Key Personnel skills and experience – 20%**

- a. Their role in the performance of the Contract;
- b. Curriculum vitae;
- c. Membership to any professional or business association; and
- d. Qualifications.

**C. Methodology and Understanding – 40%**

- a. A demonstrated understanding of the scope of work; and
- b. A project timeline outlining the proposed methodology and key milestones to address the scope of work.

In considering the subject nature of the tender itself, it was determined that it was appropriate to engage an external Town Planning consultant to undertake the assessment. Steve Pandevski, of Urban and Rural Perspectives (URP), was engaged to undertake such services. Reasons for selecting such consultant are that URP is an experienced consulting firm in the preparation of Local Planning Strategies as well having a working knowledge of the Newman developments through work which they undertake for Landcorp. The assessment was undertaken in conjunction and direct joint consultation with the Shire's Manager Development Services – Planning.

The results conclude that Hames Sharley has received the highest score following the qualitative assessment and it is therefore recommended that Hames Sharley should be appointed based on the following factors:

- There is an existing working relationship with the Shire having completed the recent Town Centre Style Guide and Design Guidelines;
- Other Pilbara experience includes the Pilbara inland and costal housing strategies and the Tom Price town centre revitalisation;
- Current member of the Shire's Planning and Urban Design panel making them pre-qualified;
- The proposed senior consulting team have a complimentary skills set and vast experience in statutory and strategic planning, urban design and project delivery;
- Their proposed sub-consultants have pre-existing experience and knowledge of the Pilbara region;
- They provide value for money having come in under the before mentioned funding constraints.

As a whole, Hames Sharley demonstrated an excellent understanding of the project brief and methodology and it was presented in a clear, concise manner and in a format that is uniquely different from the standard approach offered by others. It is on this basis and those factors outlined above that Council should appoint Hames Sharley.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

## **POLICY IMPLICATIONS**

### **10.9 REGIONAL PRICE PREFERENCE POLICY**

Although Council has a regional price preference, there were no tenderers who operate solely within the Pilbara region and therefore the policy would not apply to this tender.

## **PLAN FOR FUTURE OF THE DISTRICT**

### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

#### **1.6 Planning for Land**

##### **1.6.1 Develop land use planning strategies for all three towns. July 2011**

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

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

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

##### **1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product**

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

## **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

## **VOTING REQUIREMENTS**

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/353

MOVED: Cr Anita Grace

SECONDED: Cr Gerry Parsons

THAT Council awards Tender 6-2012/2013, Provision of Consultancy Services for the Preparation of the Shire of East Pilbara Local Planning Strategy, to Hames Sharley for the tendered price of \$150,320.50 inclusive of GST.

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0

*To be actioned by Mr Adam Majid, Manager Development Services – Planning.*



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**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**11.1 AFFIX COMMON SEAL TO THE CONTRACT FOR THE SUPPLY OF NON  
POTABLE WATER BE ACCEPTED AS AGENDA ITEM 11.1.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/354**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Dean Hatwell**

**THAT Council affix the common seal to contract for the supply of non-potable  
water be accepted as agenda item 11.1.1**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

**11.1.1 AFFIX THE COMMON SEAL TO THE CONTRACT FOR THE SUPPLY OF  
NON POTABLE WATER**

File Name: AF LATE ITEM 11.1.1 AFFIX COMMON SEAL CONTRACT FOR THE SUPPLY OF NON POTABLE  
WATER.docx - This line will not be printed do not delete

**File Ref: LEG-15-1**

**Attachments:** [Contract Water Newman Cemetery pdf](#)  
[Contract Water Rubbish Tip pdf](#)

**Responsible Officer: Mr Allen Cooper  
Chief Executive Officer**

**Author: Mrs Kylie Bergmann  
Coordinator Executive Services**

**Proposed Meeting Date: 19 April 2013**

**Location/Address: N/A**

**Name of Applicant: N/A**

**Author Disclosure of Interest: Nil**

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**REPORT PURPOSE**

To seek Council approval to apply the Common Seal of the Shire of East Pilbara to the following contracts between BHP Billiton Iron Ore Pty Ltd (BHPBIO) and the Shire of East Pilbara:

1. Contract for the supply of non-potable water – Newman Rubbish Tip
2. Contract for the supply of non-potable water – Newman Cemetery

## BACKGROUND

BHPBIO has been supplying the Newman Rubbish Tip and Newman Cemetery with non-potable water for several years. BHPBIO wants to continue to support the community by supplying this water from its entitlements while it has the capacity to do so.

BHPBIO wants to continue to supply the Newman Rubbish Tip and Newman Cemetery with water, free of charge. However, they wish to make an agreement with the Shire to ensure our respective rights and obligations are clear.

## COMMENTS/OPTIONS/DISCUSSIONS

The following contracts are **attached** for your perusal:

1. Contract for the supply of non-potable water – Newman Rubbish Tip
2. Contract for the supply of non-potable water – Newman Cemetery

The terms of both contracts are identical. The following key provisions are worth noting:

- The agreement is for a 2 year period, commencing on 14 December 2012 and ending on 14 December 2014.
- BHPBIO will supply 470 litres per minute of water during the term of the agreement.
- The water will be supplied free of charge however, the Shire is required to pay the sum of \$5.00 in consideration for entering into this agreement.

## STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

## POLICY IMPLICATIONS

### 4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27<sup>th</sup> June 2003

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### Objective

To allow for the proper execution of documents.

### Policy

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

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

*To Provide Sound Leadership and Strong Representation*

3.4.1 *Ensure compliance with relevant Statutes and statutory authorities.*

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

*How funded – Municipal Funds*

*Responsible Directorate – Whole of Organisation*

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/355**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council approve the application of the Common Seal of the Shire of East Pilbara to the following contracts between BHP Billiton Iron Ore Pty Ltd and the Shire of East Pilbara:**

1. **Contract for the supply of non-potable water – Newman Rubbish Tip;  
and**
2. **Contract for the supply of non-potable water – Newman Cemetery.**

**CARRIED**

**RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Kylie Bergmann, Coordinator Executive Services.***

**11.2 APPROVAL TO CONSTRUCT A BUILDING ON LOT 11 FRANCIS STREET,  
MARBLE BAR OWNED BY THE SHIRE OF EAST PILBARA BE  
ACCEPTED AS AGENDA ITEM 11.2.1**

*An Interest was declared by Cr Dean Hatwell for Item No. 11.2.1*

*Nature of Interest: Direct*

*Extent of Interest: Dean Hatwell is a paid employee of applicant.*

*2:00 PM Cr Dean Hatwell left Chambers.*

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/356**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Doug Stead**

**THAT approval to construct a building on lot 11 Francis Street, Marble Bar owned by the Shire of East Pilbara be accepted as agenda item 11.2.1**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0**

**11.2.1 APPROVAL TO CONSTRUCT A BUILDING ON LOT 11 FRANCIS STREET,  
MARBLE BAR OWNED BY THE SHIRE OF EAST PILBARA.**

<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Marisa Wolfenden Coordinator Property Services</b>
<b>Proposed Meeting Date:</b>	<b>19 April 2013</b>
<b>Location/Address:</b>	<b>Marble Bar</b>
<b>Name of Applicant:</b>	<b>Marble Bar Community Resource Centre</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To seek Council's approval to sign the planning application submitted by Marble Bar Community Resource Centre to construct a building on Lot 11 Francis Street, Marble Bar.

**BACKGROUND**

The application by Marble Bar Community Resource Centre is to build a community area at the rear of the old Marble Bar Administration Office building. The new development would be a great benefit to the organisation and community which would enable CRC to provide a meeting room and outdoor entertaining area.

The Marble Bar Community Resource Centre does not currently have a lease with the Shire of East Pilbara. Due to the old Marble Bar Administration Office being located on Lot 11 Francis Street and Lot 316 Francis Street in which Lot 316 is a Reserve.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Application for Planning Approval submitted requires landowner's approval, as this is the Shire of East Pilbara property; the Chief Executive Officer has requested this application be submitted to Council for approval.

The Marble Bar Community Resource Centre will be fully responsible for the building and all outgoings including the following

- Building Insurance
- Utilities
- ESL
- Air conditioning and servicing
- General Maintenance
- Pest Control

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 – Community Enrichment**

*To enrich our cultural, social and recreational lifestyles*

2.4 Recreational

2.5 Cultural

2.6 Social

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/357

MOVED: Cr Shane Carter

SECONDED: Cr Lang Coppin

THAT Council

1. Approve the planning application for the Marble Bar Community Resource Centre to build a community use area at the rear of Lot 11 Francis Street, Marble Bar
2. That the Marble Bar Community Resource Centre will be responsible for the cost of the installation of the building and all outgoings, including insurances, ESL, utilities, pest control, air conditioning and general maintenance.
3. All buildings to comply with legislative requirements.

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0

*To be actioned by Mr Adam Majid, Manager Development Services - Planning*

2:02 PM      *Cr Dean Hatwell returned to the Chambers*

**11.3 AFFIXING COMMON SEAL TO LEASE AGREEMENT – NEWMAN  
MOTORCYCLE CLUB AND HILLVIEW SPEEDWAY BE ACCEPTED AS  
AGENDA ITEM 11.3.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/358**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT the affixing common seal to lease agreement – Newman Motorcycle Club  
and Hillview Speedway be accepted as agenda item 11.3.1**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

**11.3.1 AFFIXING COMMON SEAL TO LEASE AGREEMENT - NEWMAN  
MOTORCYCLE CLUB AND HILLVIEW SPEEDWAY**

**Attachments:** [Moto X Track pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services  
**Proposed Meeting Date:** 19 April 2013  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to enter into a new lease agreement between the Shire of East Pilbara and the Newman Motorcycle Club for Lot 1639, Reserve 39117 for the purpose of Recreation (Motorcross Track).

To seek Council approval to transfer portion of land from the Reserve 38674, Hillview Speedway to Reserve 39117 for Newman Motorcycle Club. Hillview Speedway has no object to the land transfer.

To seek Council approval to enter into a new lease agreement between the Shire of East Pilbara and the Hillview Speedway for Lot 1636, Reserve 38674 for the purpose of "Club and Club Premise – Speedway".

**BACKGROUND**

The Newman Motorcycle Club current lease is due to expire on the 30<sup>th</sup> June 2013. The Newman Motorcycle Club has applied to renew the lease agreement with the Shire of East Pilbara.

An application has been submitted to the Department of Regional Development and Lands for a variation to Lot 1639, Reserve 39117, upon inspection it was found that the Newman Motorcycle Club were encroaching on portion of Lot 1636, Reserve 38674 currently being leased to the Hillview Speedway.

Hillview Speedway submitted a letter to Council indicating they had no objection to excising that portion of land from the Lot 1636, Reserve 38674 – Hillview Speedway Lease land to Lot 1639, Reserve 39117 - Newman Motorcycle Club. The cost for the preparation and documentation will be the responsibility of Newman Motorcycle Club

At this point in time we are still awaiting approval from the Department of Regional Development and Lands.

Requirements from Department Regional Development and Lands

*RDL supports the proposed reserve and lease boundary amendments to rationalise the occupation between the two reserves.*

*RDL does not authorise continued occupation of the UCL.*

*To formalise the occupation between the two reserves, draft DP 72027 will need to be amended to excise the inset and UCL from the plan. Please confirm whether the Shire initiated and paid for the survey of DP 72027. DP 72027 will need to be amended and survey instructions issued by RDL to the surveyor who prepared DP 72027 for the amendments.*

*The existing leases will need to be amended or surrendered. A partial surrender over the speedway is required, and surrender of the whole lease and grant of a new lease is required for the motocross club to reflect the new lot on the new plan. A copy of the documents will need to be provided to RDL for S.18 LAA Ministers consent to the dealings. Please provide a copy of the draft documents prior to execution to Cassandra Tan so she can provide in-principle approval to the dealings.*

## **COMMENTS/OPTIONS/DISCUSSIONS**

Terms and Conditions of the new lease agreement between the Shire of East Pilbara and the Newman Motorcycle Club and Hillview Speedway are as follows;

- Term 10 years
- Options Nil
- Maintenance Lessee is responsible for all maintenance to the property and buildings
- Rent Peppercorn
- Utilities Lessee is responsible for all outgoing fees and charges
- Insurance Lessee is responsible for all insurances, building and public Liability.
- Annual Service Fee As per Council Fees and Charges
- Lease No cost to Council for the preparation, documentation and registration of the Newman Motorcycle Club lease.



- Events Ability for the club to have short term camping on lease area to accommodate visiting event participants, conditions apply
- Committee To provide Council with current committee details, and insurance documentation at all times
- Affiliation Newman Motorcycle Club to be affiliated with Western Australian Motorcycling Association.  
WA Speedway Commission

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

**Delegation From:** Council

**Delegation To:** Chief Executive Officer

**Council File Reference:** ADM 14-9

**Legislative Authority for Delegation** S 5.42 Local Government Act 1995

#### **Power/Duty/Authorisation Delegated:**

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

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

#### **Authority for exercise of Power/ Duty/ Authorisation**

#### **Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

**Date of Delegation** \_\_\_\_\_

**Delegator (Shire President)** \_\_\_\_\_

### **EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

**Date:** 27th June 2003

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

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 – Community Enrichment**

*To enrich our cultural, social and recreational lifestyles*

2.4 Recreational

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/359**

**MOVED: Cr Gerry Parsons**

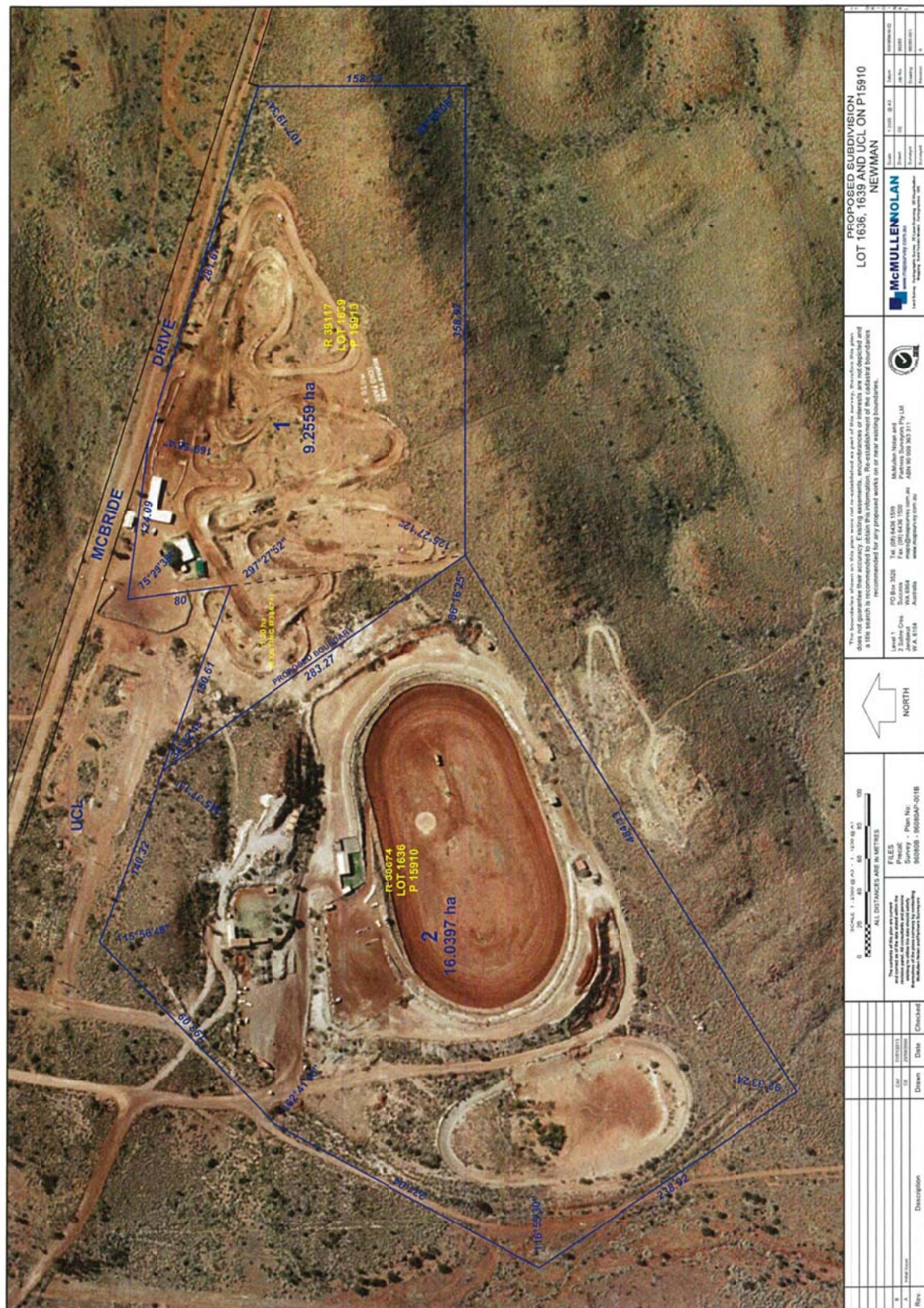
**SECONDED: Cr Shane Carter**

**THAT Council**

1. Approve entering into a new lease agreement with Newman Motorcycle Club for Lot 1639, Reserve 39117 commencing 1<sup>st</sup> July 2013.
2. Approval to affix the common seal of the Shire of East Pilbara to the lease agreement between Newman Motorcycle Club and the Shire of East Pilbara.
3. Under the Management Order, approval is required from the Minister of Lands.
4. Approve portion of land being transferred from Reserve 38674 Hillview Speedway to Reserve 39117 to Newman Motorcycle Club.
5. Approve entering into a new lease agreement with Hillview Speedway for Reserve 38674, Lot 1636 Newman commencing 1<sup>st</sup> July 2013.
6. Approval to affix the common seal of the Shire of East Pilbara to the lease agreement between the Hillview Speedway and the Shire of East Pilbara.

**CARRIED ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

*To be actioned by Ms Marisa Wolfenden, Coordinator Property Services.*



**11.4 TENDER RFT 11\_2012\_2013 NEWMAN EVENTS BE ACCEPTED AS  
AGENDA ITEM 11.4.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/360**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Doug Stead**

**THAT tender RFT 11-2012-2013 Newman Events be accepted as agenda item  
11.4.1**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

**11.4.1 TENDER RFT11\_2012\_2013 NEWMAN EVENTS**

<b>File Ref:</b>	<b>LEG-13-1-19</b>
<b>Attachments:</b>	<b>Confidential</b>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sharon Walsh Manager Community Wellbeing</b>
<b>Proposed Meeting Date:</b>	<b>19 April 2013</b>
<b>Location/Address:</b>	<b>Newman</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To seek Council's approval for the acceptance of tenders for the Newman Events project which includes the coordination, organisation and onsite management of a annual festival; a music concert series and a movie series.

**BACKGROUND**

In 2011 and 2012, BHP Billiton Iron Ore (BHPBIO) funded a variety of community events namely the Twilight Movie Series, the Outback Fusion Festival and the Concert Series.

BHPBIO recognises the importance of these iconic events and thus, in an attempt to increase their longevity and continual improvement, they entered into a contract agreement with the Shire of East Pilbara for \$825,000 for the management and organisation of these community events for the financial years of 2013 and 2014.

At the March 2013 Council meeting Resolution 201213/311, Council agreed to invite tenders for the management and organisation of the Newman Events project.

A tender advert was placed in The West Australian Saturday newspaper on the 23<sup>rd</sup> and 30<sup>th</sup> March and also in the Wednesday edition of the North West Telegraph on the 27<sup>th</sup> March. At the close of the tender period, the following organisations successfully submitted a tender:

- Comic Events Australia
- Be Productions
- Eastwick Events, and
- Strut & Fret Production House

### **COMMENTS/OPTIONS/DISCUSSIONS**

The tender required responses to the stated criteria which comprised of compliance and qualitative sections.

Compliance criteria was evaluated on a Yes/No basis and was not point scored.

Qualitative criteria was point scored and based on the following components:

#### **A. Ability & Experience – 40%**

- \* Experience in event management on similar projects that involve a Local Government authority;
- \* Knowledge /experience in working in the Pilbara;
- \* Demonstrate competency/proven track record of achieving outcomes;
- \* Suggested work plan for the project highlighting what types of strategies will be used which are proven to be effective in communities such as Newman; and
- \* Provision of a suggested timeline of delivery of a schedule of works

#### **B. Capacity & Personnel – 20%**

- \* Current projects being undertaken and their available percentage of work load capacity to complete this particular project; and
- \* Key personnel and backup personnel and their relevant experience and/or qualifications

#### **C. Performance & Understanding – 40%**

- \* Provision of an outline of the project methodology that will be used to perform the requirements of the project brief
- \* Available resources and technologies that will be utilised to assist delivery of services required, and
- \* A communication strategy.

In determining the most advantageous tenderer, the Evaluation Panel, which consisted of Sian Appleton, Deputy Chief Executive Officer, Keesha Booth, Coordinator Community Services and Sharon Walsh, Manager Community Wellbeing, independently point scored each tender against the above mentioned qualitative criteria.

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



The scores of the top two (2) tenderers were close and this is an indication of the high quality of documentation provided by these companies.

The results of the tender assessment indicate that Strut & Fret Production House received the highest score following the qualitative assessment and it is therefore recommended that Strut & Fret Production House be awarded Tender RFT11\_20112\_2013.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

## **POLICY IMPLICATIONS**

### **10.9 REGIONAL PRICE PREFERENCE POLICY**

Although the Shire of East Pilbara has a regional price preference, none of the organisations who submitted a tender operate solely within the Pilbara region, therefore, this preference policy is not applicable.

## **PLAN FOR FUTURE OF THE DISTRICT**

### **Goal 2 – Community Enrichment**

*To enrich our cultural, social and recreational lifestyles*

#### **2.5 Cultural**

##### **2.5.1 Entice and enhance cultural and social events throughout the shire.**

*Ongoing role*

*How funded – Municipal Funds and funding opportunities*

*Financial Implications*

Resource requirements are in accordance with existing budgetary allocation.

## **VOTING REQUIREMENTS**

Absolute.

### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/361**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Gerry Parsons**

**THAT Council awards RFT112012\_2013, Newman Events Management to Strut & Fret Production House for the tendered price of \$205,700 inclusive of GST for the 2013 & 2014 years.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

***To be actioned by Ms Sharon Walsh, Manager Community Wellbeing.***

*2:04 PM Mr Rick Miller left Chambers.*

**12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

Nil

**13 GENERAL BUSINESS**

**13.1 NULLAGINE TOWN MEETING**

Cr Stephen Kiernan tabled a 5 year plan for the town of Nullagine, 2013-2018, based on the Nullagine Prospectus compiled by a number of residents of Nullagine

**13.2 MARBLE BAR CEMETERY**

Cr Stephen Kiernan raised a concern that he had heard that the Marble Bar Cemetery has no available plots.

Deputy Chief Executive Officer to follow up.

**13.3 FERAL CATS MARBLE BAR**

Cr Stephen Kiernan said there is a population explosion of feral cats in Marble Bar.

The Chief Executive Officer replied that the Director Development Technical and Development Services will follow up/investigate.

2:08 PM     *Mr Rick Miller returned to the Chambers*

**13.4 MARTUMILI ARTIST WALGA CONVENTION 2013**

Cr Lynne Craigie requested if Martumili Artists could be special guests at the WALGA Convention 2013 in August to do something similar to an artist and residence program and promote the Shire of East Pilbara in the Pilbara.

Deputy Chief Executive Officer to follow up.

**14 DATE OF NEXT MEETING**

24th May 2013, Newman

**15 CLOSURE**

2:13 PM