

Unconfirmed copy of Minutes of Meeting held on 23 October 2015 subject to confirmation at meeting to be held on 11 December 2015



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, 23 OCTOBER, 2015.

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

Mr Allen Cooper, Chief Executive Officer, declared the meeting open at 10:04 AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Lynne Craigie
Lang Coppin OAM
Anita Grace
John Jakobson
Michael Kitchin
Biddy Schill
Dean Hatwell
Gerry Parsons
Craig Hoyer
Jay Ahmedi

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller
Mrs Sheryl Pobrica

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

Public Gallery

Mr Jeffery Brown
Ms Nora Cooke
Ms Lena Brown
Mr Simeon Hepworth
Mr Flynn De Freitas
Mr Brad Schrader
Mr Robin Ross

Warnparta/Ngarla People
Warnparta/Ngarla People
Warnparta/Ngarla People
Warnparta/Ngarla People
Newman Estate
Newman Estate
Auzcorp

2.2 APOLOGIES

Councillor Apologies

Shane Carter

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Nil

3 ELECTION OF OFFICE BEARERS – PRESIDENT AND DEPUTY PRESIDENT

3.1 NOMINATIONS FOR THE POSITION OF SHIRE PRESIDENT

Pursuant to schedule 2.3 of the Local Government Act 1995, the term of the Shire President expires at the next Ordinary Election 2017.

Nominations are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

One nomination was received and accepted; Cr Lynne Craigie was declared elected to the position of Shire President and was sworn into office.

3.2 NOMINATIONS FOR THE POSITION OF DEPUTY SHIRE PRESIDENT

Pursuant to schedule 2.3 of the Local Government Act 1995, the term of the Deputy Shire President expires at the next Ordinary Election 2017.

Nominations are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

Two nominations were received and accepted, Cr Lang Coppin and Cr Gerry Parsons.

This being more nominations than position available an election was held.

The results of the election were

Cr Lang Coppin	6
Cr Gerry Parsons	4

Cr Lang Coppin was declared elected to the position of Deputy Shire President and was sworn into office.

Mr Allen Cooper left the Chair

Cr Lynne Craigie assumed the Chair

4 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Nil

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 NGARLA PEOPLE ACCESS TO CAPE KERAUDREN RESERVE

Representative's Mr Jeffrey Brown and Ms Nora Cooke from Wanparta Corporation and the Ngarla People provided Council with an update on the stickers the Ngarla people would like to use to access Cape Keraudren Reserve.

Shire President, Cr Lynne Craigie thanked all for coming to the Council Meeting to provide Council with the update.

10:20 AM *Mr Jeffery Brown, Nora Cooke, Lena Brown & Simeon Hepworth left Chambers.*

6.2 NEWMAN ESTATE

Mr Flynn DeFreitas, Mr Brad Schrader at Council Chambers and Ms Veronica Macpherson, Managing Director (teleconference) from Macro Realty, provided Council with an update regarding Newman Estate.

11:00 AM *Mr Flynn DeFreitas and Mr Brad Schrader left Chambers.*

11:00 AM *Cr Dean Hatwell left Chambers.*

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

8.1 CONFIRMATION OF MINUTES

[Minutes September 25 2015 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/60

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the minutes of the Ordinary Meeting of Council held on 25 September 2015, be confirmed as a true and correct record of proceedings.

**CARRIED
RECORD OF VOTE: 9 - 0**

9 MEMBERS REPORT

9.1 ITEMS FOR RECOMMENDATION

Nil

9.2 ITEMS FOR INFORMATION

Cr Gerry Parsons attended:

- Reflection Tour at the Golf Club
- Community GP Housing Opening
- Newman Neighbourhood Centre Meeting
- Shopping Centre Monthly Visit
- Audit Committee Meeting
- Pilbara Development Committee – Meet and Greet
- Newman Chamber of Commerce Meeting
- Presented Mitch Outram at Moto-x Presentation Night a certificate from the Shire.
- Shire of East Pilbara Councillors Workshop

Cr Craig Hoyer attended:

- Shire of East Pilbara Councillors Workshop
- Welcome to Newman Event

Cr Anita Grace attended:

- Pilbara Development Committee – Meet and Greet
- Audit Committee Meeting

Cr Jay Ahmedi attended:

- Shire of East Pilbara Councillors Workshop

Cr Dean Hatwell attended:

- Australian Airport Association Conference Hobart
- Shire of East Pilbara Councillors Workshop

Cr Michael Kitchin attended:

- Shire of East Pilbara Councillors Workshop

Cr Bidy Schill attended:

- Nullagine Community Meeting 18.10.2015
- LEMC Nullagine 09.09.2015
- Shire of East Pilbara Councillors Workshop

Cr Lang Coppin attended:

- Australian Airport Association Conference Hobart
- Shire of East Pilbara Councillors Workshop

Cr John Jakobson attended:

- Shire of East Pilbara Councillors Workshop

Cr Lynne Craigie attended:

- Reflection Tour at the Golf Club
- Community GP Housing Opening
- Audit Committee Meeting
- Pilbara Development Committee – Meet and Greet
- EPIS AGM
- Shire of East Pilbara council elections
- Shire of East Pilbara Councillors Workshop
- RAC mobility workshop
- Horizon power meetings
- Meeting with rate payer re Indigenous issues
- Meeting with rate payer re health issues
- Meeting with Minister Joe Francis
- Meeting with Minister Terry Redman
- Meeting with Minister Ken Baston
- Convention planning meeting WALGA
- Pilbara Development Commission meeting
- Stakeholder function Pilbara Development Commission
- Shopping Centre Monthly Visit
- NCCI Meeting
- Rosie Battie fighting back, luncheon,
- Meeting with Minister Albert Jacobs
- Meeting CEO and President Shire of Yalgoo
- PRC CEO catch up
- Telephone conversation with Hon Brendan Grylls
- RDA catch up CEO and chairperson
- Radio interviews re-elections in Shire of East Pilbara
- Radio interview re new truck size on Pilbara roads

10 OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION - SEPTEMBER 2015

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

11:07 AM Cr Dean Hatwell returned to the Chambers

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/61

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT the “Status of Council Decisions” – Chief Executive Officer for September 2015 be received.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
6 March 2015	13.1	ADSL MARBLE BAR Cr Stephen Kiernan asked the Shire to continue to follow up with Telstra regarding ADSL in Marble Bar. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	To discuss options with PDC. Request for Information sent to PDC Sent again 08/09/2015	On Going
28 August 2015	13.7	ADSL MARBLE BAR Cr Stephen Kiernan asked again for the Shire to follow up on the possibility of having ADSL installed in Marble Bar. Mr Allen Cooper, Chief Executive Officer explained the situation on ADSL and requests to the Pilbara Development Commission to investigate			
28 August 2015	13.8	CARAWINE GORGE Cr Lang Coppin asked if the Shire of East Pilbara could investigate the possibility of Carawine Gorge becoming an A Class Reserve. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	Meeting with Department of Lands seeking information	

10.1.2 PROPOSED COUNCIL MEETING DATES 2015-2016

File Ref: CLR 1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To set Council meeting dates, times and venues for the next twelve months for 2015-2016.

BACKGROUND

It is a requirement under the *Local Government Act 1995* (s5.25(g)), to set and advertise the meeting dates, times and venues for Council meetings for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Traditionally, Council meets on the fourth Friday in the month. In some instances, this date is not appropriate. The dates have been set to fit in with public holidays and allow the closing date for agenda items to be realistic for staff to compile the agenda for distribution to Councillors.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration (Division 2 – Meetings) (Subdivision 3 – Matters affecting meetings)

5.25 Regulations about council and committee meetings

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to –*
- (g) *the giving of public notice of the date and agenda for council or committee meetings.*

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings – s5.25(1)(g)

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) *the ordinary council meetings; and*
- (b) *the committee meetings;*
- That are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
-

POLICY IMPLICATIONS

1.3 COUNCIL MEETINGS – DATES AND TIMES

Minute No: Item 9.1.3
Date: 27th June 2003

Objective

To establish what dates and times that Council Meetings will normally be held.

Policy

Council meetings will normally be held on the fourth Friday of each month commencing at 10:00am, with the exception of November and January. Times and dates shall be subject to alteration in accordance with the Local Government (Administration) Regulations 1996. A dress standard applies to all persons attending a Council Meeting.

Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual.

Legislation

Section 12 *Local Government (Administration) Regulations 1996.*

1.9 LOCATION OF COUNCIL MEETINGS

Minute No: Item 9.1.3
Date: 27th June 2003

Objective

To establish where Council meetings will normally be held.

Policy

The venue for Council meetings shall be determined by Council usually in October of each year for the upcoming year but normally meetings will be held alternatively at Marble Bar, and Newman, with one meeting being held annually in Nullagine.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 *Ethical, accountable and transparent decision-making*
-

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/62

MOVED: Cr Dean Hatwell

SECONDED: Cr Jay Ahmedi

THAT the dates, time and place for Ordinary Council meetings for the next twelve months for 2015-16, as listed below, be adopted and advertised in accordance with the *Local Government (Administration) Regulations 1996* s12(1)(a).

MEETING DATE	VENUE	COMMENCEMENT TIME
11 th December 2015	Newman	10:00am
29 th January 2016	Newman	10:00am
11 th March 2016	Marble Bar	10:00am
29 th April 2016	Newman	10:00am
27 th May 2016	Newman	10:00am
24 th June 2016	Nullagine	10:00am
22 nd July 2016	Newman	10:00am
26 th August 2016	Newman	10:00am
23 rd September 2016	Marble Bar	10:00am
28 th October 2016	Newman	10:00am

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

10.1.3 PROPOSED COUNCIL WORKSHOP DATES FOR 2016

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

11:19 AM Mr Rick Miller left Chambers.

REPORT PURPOSE

To set quarterly workshop dates for 2016.

BACKGROUND

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

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

FINANCIAL IMPLICATIONS

Covered within existing budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the following dates be set aside for workshops in 2016;

- 10th March 2016.
- 21st July 2016.
- 27th October 2016.

COUNCIL RESOLUTION: 201516/63

MOVED: Cr Anita Grace

SECONDED: Cr Biddy Schill

THAT the following dates be set aside for workshops in 2016;

- 28th April 2016
- 21st July 2016.
- 27th October 2016.

CARRIED
RECORD OF VOTE: 10 - 0

Reason for Non Acceptance of Officer’s Recommendation: Due to work commitments of Newman Councillors, it was considered better to be held in Newman.

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

**10.1.4 COUNCILLORS MEET AND GREET AT NEWMAN BOULEVARDE
SHOPPING CENTRE 2015-2016**

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

REPORT PURPOSE

To set the dates for the Councillors monthly meet and greet at the Newman Boulevard Shopping Centre from December 2015 until October 2016.

BACKGROUND

The Councillors requested a meet and greet with the community, on average once per month. This gives community members and the public updates on the Shire of East Pilbara projects.

It is a great opportunity for the Councillors to interact with the community and keep them updated and also listen to any complaints.

COMMENTS/OPTIONS/DISCUSSIONS

Every month the Councillors meet at the Newman Boulevard Shopping Centre. The dates are to be set every year.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

1.6 DRESS CODE FOR COUNCILLORS REPRESENTING COUNCIL ON
EXTERNAL BUSINESS AND EVENTS

Minute No: Item 9.1.2
Date: 28 May 2010
Responsible Officer: Chief Executive Officer

Objective

In addition to the dress standard for Council Chambers (Item No: 9.1.13 dated 27th June 2003) as described in the Councillors handbook, it is also appropriate to establish an acceptable dress standard for all Councillors attending or representing Council business at external functions and events.

The manner in which Councillors are dressed on official business can have a profound effect on the image of the Shire of East Pilbara. A good quality uniform will assist in building a professional image of the Shire and assist external sources to identify Shire Councillors.

Policy

1. Councillors will be issued a pair of shirts with the inclusion of the Shire logo on all uniform pieces.
2. All uniforms provided by and financed by the Shire of East Pilbara will be regarded as the Councillor Corporate Wardrobe. This will be subsidised by the Shire or processed through the Shire's financial and distribution system.
3. All Councillors provided with Corporate Uniforms must wear the uniform at all Council functions and events (internal or external business and meetings) on a regular basis.
4. Councillors are not to wear Corporate Uniforms for personal use.
5. Councillors are able to purchase additional clothing other than that supplied by the Council. They will be responsible for the full costs of these additional uniforms.
6. Each Councillor is responsible for repairs, alterations and cleaning of supplied uniforms.
7. All items provided must be cleaned as per instructions on the label.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/64

MOVED: Cr Gerry Parsons

SECONDED: Cr Anita Grace

THAT Council endorse the time and dates listed below for the Councillors monthly meet and greet at the Newman Boulevard Shopping Centre, as listed below, and advertise in the local newspaper, notice boards, Shire website and face book.

DAY	TIME	DATE
Saturday	10am – 12pm	5 th December 2015
Saturday	10am – 12pm	6 th February 2016
Saturday	10am – 12pm	5 th March 2016
Saturday	10am – 12pm	2 nd April 2016
Saturday	10am – 12pm	7 th May 2016
Saturday	10am – 12pm	4 th June 2016
Saturday	10am – 12pm	2 nd July 2016
Saturday	10am – 12pm	13 th August 2016
Saturday	10am – 12pm	3 rd September 2016
Saturday	10am – 12pm	8 th October 2016

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer.

10.1.5 ELECTION OF COUNCIL MEMBERS ON COMMITTEES 2015-2017

File Ref: CLR-4-4
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

11:24 AM Mr Rick Miller returned to the Chambers

REPORT PURPOSE

To elect Councillors to represent the Council on various committees, to delete committees that no longer exist and to include new committees to the list.

BACKGROUND

Normally after each Local Government election Council allocates representation on various committees to represent Council.

Note: The *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24 March 2011. These panels became operational as of 1 July 2011.

Under DAP regulation 26, your local government was invited to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your local JDAP as follows are the representatives

Nominated Local DAP Members	Nominated Alternate Local Members
Cr Dean Hatwell Cr Anita Grace	Cr Lynne Craigie Cr Geraldine (Gerry) Parsons

Local Government Elections – 17 October 2015

Local government elections which are scheduled for 17 October 2015 may result in a change to JDAP membership if current councillors, who are DAP members, are not re-elected. Council must consider replacement of DAP members where there is a vacancy.

Local Government nominations are subject to Cabinet consideration prior to formal appointment by the Minister. It is anticipated that this will occur sometime in late November/early December.

It is mandatory for all DAP members to attend training before they sit on a DAP and new members will be advised of DAP training dates and times. .

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 for Planning’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)*.

Further information on membership requirements, including the Premier’s Circular, is available online at <http://daps.planning.wa.gov.au>.

This is the list of committees and the nominated Councillors representative and proxies listed below as Ordinary Council Minutes item 27th June 2014, item#9.1.2.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION: 2015/304

MOVED: Cr Kevin Danks

SECONDED: Cr Anita Grace

THAT Council nominate Cr Gerry Parsons as the representative and Cr Craig Hoyer as Proxy to the Newman Turf Club Committee, and endorse the inclusion of the Newman Turf Club Committee in the Shire’s list of local Committees.

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Ms Sue Mearns, Coordinator Governance.

****Note: Cr Anita Grace wished to be included as a Proxy to the Newman Chambers of Commerce and Industry Inc.***

Committee	Councillor	Proxy
Newman House – Building Management Committee	Cr Lynne Craigie	Cr Doug Stead
Pilbara Regional Road Group	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Pilbara Regional Council (2 reps)	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Newman Mainstreet Project Inc	Cr Doug Stead	Cr Anita Grace
Local Recovery Committee	Cr Lynne Craigie	Cr Lang Coppin
LEMC - Newman	Cr Craig Hoyer	Cr Lynne Craigie
LEMC – Marble Bar	Cr Dean Hatwell	Cr Stephen Kiernan

LEMC – Nullagine	Cr Bidy Schill	Cr Stephen Kiernan
Audit Committee	Cr Shane Carter Cr Anita Grace Cr Doug Stead Cr Gerry Parsons	
*East Pilbara Land Conservation District Committee	Cr Lang Coppin	N/A
*Recognised Biosecurity Group (RBG)	Cr Lang Coppin	N/A
Bush Fire Advisory Committee	Cr Craig Hoya	Cr Doug Stead
*De Grey Land Conservation District Committee	Cr Lang Coppin	N/A
Marble Bar Tourist Association	Cr Kevin Danks Cr Dean Hatwell	Cr Stephen Kiernan
Marble Bar FESA Unit	Cr Dean Hatwell	Cr Stephen Kiernan
Newman Chambers of Commerce and Industry Inc.	Cr Gerry Parsons	Cr Lynne Craigie Cr Anita Grace
East Pilbara Independence Support (EPIS)	Cr Doug Stead	Cr Lynne Craigie
Newman Recreation Centre Management Committee	Cr Gerry Parsons	Cr Anita Grace
Newman Visitors Centre Management Committee	Cr Shane Carter	Cr Gerry Parsons
Nullagine Volunteer Bush Fire Brigade	Cr Bidy Schill	Cr Stephen Kiernan
Newman Neighbourhood Centre	Cr Gerry Parsons	Cr Lynne Craigie
Nullagine Community Resource Centre	Cr Bidy Schill	Cr Stephen Kiernan
Pilbara Prospectors Associations	Cr Kevin Danks	Cr Stephen Kiernan
Marble Bar Community Resource Centre	Cr Stephen Kiernan	Cr Dean Hatwell
Newman Liquor Accord	Cr Anita Grace	Cr Gerry Parsons
Newman Women's Shelter	Cr Anita Grace	Cr Lynne Craigie
Newman Turf Committee	Cr Gerry Parsons	Cr Craig Hoyer
*Development Assessment Panel (DAP) x 4	Cr Lynne Craigie Cr Dean Hatwell Cr Doug Stead Cr Craig Hoyer	Expires 26 th April 2016

**Ministerial Appointments*

COMMENTS/OPTIONS/DISCUSSIONS

To maintain open lines of communication, it is considered that Councillors should nominate as a delegate for a committee or committees.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

1.3.1 Increase community awareness

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/65

MOVED: Cr Anita Grace

SECONDED: Cr Craig Hoyer

THAT the Councillors listed below be appointed as Council delegates to the following committees.

Committee	Councillor	Proxy
Pilbara Regional Road Group	Cr Anita Grace Cr Lynne Craigie	Cr Gerry Parsons Cr Jay Ahmedi
Pilbara Regional Council (2 reps)	Cr Anita Grace Cr Lynne Craigie	Cr Gerry Parsons Cr Jay Ahmedi
Newman Mainstreet Project Inc	Cr John Jakobson	Cr Craig Hoyer
Local Recovery Committee	Cr Craig Hoyer	Cr Lynne Craigie
LEMC - Newman	Cr Craig Hoyer	Cr Lynne Craigie
LEMC – Marble Bar	Cr Dean Hatwell	Cr Michael Kitchin
LEMC – Nullagine	Cr Bidy Schill	Cr Dean Hatwell
Audit Committee	Cr Lynne Craigie Cr Gerry Parsons Cr Craig Hoyer Cr Jay Ahmedi Cr Shane Carter Cr Anita Grace Cr John Jakobson	
*Recognised Biosecurity Group (RBG)	Cr Lang Coppin	N/A
Bush Fire Advisory Committee	Cr Craig Hoyer	N/A
*De Grey Land Conservation District Committee	Cr Lang Coppin	N/A
Marble Bar Tourist Association	Cr Dean Hatwell	Cr Lang Coppin
Marble Bar FESA Unit	Cr Lang Coppin	Cr Michael Kitchin
Newman Chambers of Commerce and Industry Inc.	Cr Gerry Parsons	Cr Anita Grace
East Pilbara Independence Support (EPIS)	Cr Craig Hoyer	Cr Jay Ahmedi

Newman Recreation Centre Management Committee	Cr Gerry Parsons	Cr Anita Grace
Newman Visitors Centre Management Committee	Cr Shane Carter	Cr John Jakobson
Nullagine Volunteer Bush Fire Brigade	Cr Biddy Schill	Cr Dean Hatwell
Newman Neighbourhood Centre	Cr Anita Grace	Cr Jay Ahmedi
Nullagine Community Resource Centre	Cr Biddy Schill	Cr Dean Hatwell
Pilbara Prospectors Associations	Cr Michael Kitchin	Cr Lang Coppin
Newman Women's Shelter	Cr Lynne Craigie	Cr Anita Grace
Newman Turf Committee	Cr Gerry Parsons	Cr Craig Hoyer
*Development Assessment Panel (DAP) x 4	Cr Dean Hatwell Cr Anita Grace Cr Lynne Craigie Cr Gerry Parsons	

**Ministerial Appointments*

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

10.1.6 ANNUAL REVIEW OF CODE OF CONDUCT

File Ref: LEG-2-5
Attachments: [Code of Conduct 2015 docx](#)
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

*Cr Lynne Craigie vacated the Chair
Cr Lang Coppin assumed the Chair
11:35 AM Cr Lynne Craigie left Chambers.*

REPORT PURPOSE

For Council to review and adopt the 2015 Code of Conduct.

BACKGROUND

The Code of Conduct is a requirement of the *Local Government Act 1995*, section 5.103. The legislative requirement to conduct an annual review of the Code of Conduct, as per the *Local Government Act 1995, section 5.103(2)*, has since been repealed. However, keeping in line with Council's policy to review policies and procedures annually, the decision to review the Code of Conduct will remain.

COMMENTS/OPTIONS/DISCUSSIONS

No significant changes.

Inserted a reference to Council's Formal Communication Policy for Elected Members at 1.4 – *Relationships between Council Members and Staff*.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration (Division 9 – Conduct of certain officials) – 5.103 Codes of Conduct

Local Government (Rules of Conduct) Regulations 2007

Local Government (Administration) Regulations 1996
Regulation 34B and 34C

POLICY IMPLICATIONS

12.1 CODE OF CONDUCT

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/66

MOVED: Cr Dean Hatwell

SECONDED: Cr Anita Grace

THAT Council adopt the Code of Conduct 2015 as presented.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

**10.1.7 PILBARA DEVELOPMENT COMMISSION BOARD - LOCAL
GOVERNMENT APPOINTMENTS**

File Ref: ORG-5-33
Attachments: [PDC Board LG Appointment Letter](#)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider nominating a Local Government representative for the Pilbara Development Commission Board.

BACKGROUND

The Pilbara Development Commission is seeking nominations to fill three Local Government positions on its Board of Management. The position is for a term of up to three years from the date of appointment.

In accordance with the Regional Development Commissions Act 1993, each of the four local government authorities in the Pilbara are invited to nominate up to two Councillors for the vacant positions.

Nominee details will be forwarded to the Minister for Regional Development; Lands, The Hon Terry Redman, for consideration and selection. The Minister will forward details of the successful candidates to the WA State Cabinet for endorsement. (Attached letter from the Pilbara Development Commission)

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara is encouraged to forward its nomination/s together with completed application form and brief CV for each nominee to the Commission at its earliest convenience.

Applications close on Monday 9th November 2015.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

FINANCIAL IMPLICATIONS

No financial resource impact, the Pilbara Development Commission Board covers all travel and accommodation costs.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/67

MOVED: Cr Lang Coppin

SECONDED: Cr Anita Grace

THAT Council support the nomination of Councillor Gerry Parsons as a Local Government Representative for the Board of the Pilbara Development Commission.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

**10.1.8 PERMISSION TO COLLECT NATIVE COLLECT NATIVE SEED FROM
WITHIN RESERVES VESTED TO THE SHIRE OF EAST PILBARA, BY
GREENING AUSTRALIA, WA.**

File Ref: ENV-5-3 (ICR15-26603)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: Greening Australia, WA
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider giving approval to Greening Australia, WA to collect native seed from within reserves vested in the Shire of East Pilbara.

BACKGROUND

Council received an email on the 23 September 2015, from Greening Australia, WA, requesting permission to collect native seed from within reserves vested with the Shire of East Pilbara for a period of twelve month period beginning July 2015.

Seed collected from within the Shire of East Pilbara reserves will be utilised in strategic re-vegetation projects throughout the region, and will directly benefit the community as a whole.

Email sent by Greening Australia, 23 September 2015.

From: Dallas Lynch
Sent: Wednesday, 23 September 2015 4:38 AM
To: 'ces@eastpilbara.wa.gov.au' <ces@eastpilbara.wa.gov.au>
Subject: seed collection permission

Dear Sir/Madam,

On behalf of Greening Australia WA (GAWA), I am seeking permission to collect native seed from within reserves vested to your shire.

I request this permission for relevant, appointed staff of GAWA, involved in our valuable land rehabilitation programs.

All staff employed by GAWA undergo significant training in all aspects of seed collection, and are licensed under the Wildlife Conservation Act (1950). Any person collecting seed on behalf of GAWA is required to abide by the conditions of this licence.

Seed collected from within your reserves will be utilised in strategic re-vegetation projects throughout the region, and will directly benefit the community as a whole. Some seed may also be used for the purposes of research into best practice re-vegetation for the region.

We are seeking this permission for a twelve month period.

I have attached a previous letter of permission granted by the Shire for your convenience and consideration.

Should you require further clarification, I may be contacted as detailed below.

I look forward to your favourable response.

Yours sincerely,

Dallas Lynch | Manager, Environmental Services | Greening Australia
UWA Field Station, 1 Underwood Avenue, Shenton Park, A 6008
P 08 9287 8306 | M 0427 478 928 | W www.greeningaustralia.org.au

COMMENTS/OPTIONS/DISCUSSIONS

Council has approved the collection of native seed, at the June 2014 Council meeting was approved copy of the item attached.

The collection of native seed is not covered in the Council's Policy Manual or Delegations Manual.

West Australian native flora and fauna is protected under the *Wildlife Conservation Act 1950*, and the taking of flora for any purpose requires a licence. That licence shall be accompanied by written permission from the owner of the land or authority having care or control of the land.

Greening Australia, WA are licensed under the Wildlife Conservation Act (1950). Any person collecting seed on behalf of GAWA is required to abide by the conditions of the licence.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 3 Functions of local governments – Division 3 – Executive functions of local governments – section 3.54

3.54 Reserves under control of a local government

- (1) *If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*

- (2) *Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

[Section 3.54 amended by No. 49 of 2004 s.74(4).]

Wildlife Conservation Act 1950

23A. Property in protected flora on Crown land

- (1) *The property in protected flora on Crown land, until lawfully taken, is, by virtue of this Act, vested in the Crown.*
- (2) *The provisions of subsection (1) do not entitle any person to compensation.*

[Section 23A inserted by No. 86 of 1976 s.12]

23B. Protected flora on Crown land not to be taken without a licence

- (1) *A person shall not on Crown land wilfully take any protected flora unless the taking of the protected flora is authorised by, and carried out in accordance with the terms and conditions of, a licence issued to him under section 23C.*
- (2) *In any proceedings for an offence against subsection (1) it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner.*

[Section 23B inserted by No. 86 of 1976 s. 13 (as amended by No. 28 of 1979 s.5); amended by No. 57 of 1997 s. 132(23).]

23C. Licences to take protected flora on Crown land

- (1) *Any person may, in the prescribed form containing or accompanied by the prescribed particulars and on payment of the prescribed fee, apply to the Minister for the issue to him of a licence to take protected flora on Crown land –*
- (a) for commercial purposes; or*
- (b) for scientific purposes or any prescribed purpose,*
- and the Minister may issue or refuse to issue such a licence.*
- (2) *Subject to this section a licence issued authorises the licence holder, subject to such terms and conditions as are specified in the licence, to take for the purposes so specified on such areas of Crown land as are so specified and during such period or periods as are so specified, the classes or descriptions of protected flora so specified.*
- (2a) *Subject to subsection (5), a licence is valid from the date of issue for the period stated in the licence.*
- (3) *Without limiting the terms or conditions which may be included in a licence issued under this section, the terms and conditions on which a licence to take protected flora for commercial purposes may be granted may include terms or conditions –*
- (a) providing that flora taken under the authority of the licence be charged with payment of royalties to the Chief Executive Officer by the licence holder at such rate or rates as are specified in the terms or conditions;*
-

- (b) requiring the licence holder to ensure that any protected flora taken pursuant to the licence is marked, tagged or otherwise made identifiable as flora taken by him*
- (4) Any royalties payable pursuant to the terms and conditions of a licence issued under this section –*
 - (a) shall be credited by the CEO to the Nature Conservation and National Parks Account referred to in the Conservation and Land Management Act 1984 section 68(1); and*
 - (b) may be sued for and recovered by the CEO as a debt due to him in his capacity as such.*
- (4a) The Minister may reduce or waive the fee payable in respect of a licence issued under this section.*
- (5) The Minister may at any time, by notice in writing served on a person to whom a licence has been issued under this section, revoke the licence, but the revocation does not affect any liability or obligation incurred by the period prior to the revocation.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/68

MOVED: Cr Anita Grace

SECONDED: Cr Jay Ahmedi

THAT Council approve the request from Greening Australia, WA to collect native seeds from within reserves vested to the Shire of East Pilbara, subject to the following conditions of this licence;

- a) All persons collecting native seeds are licenced according to the *Wildlife Conservation Act 1950*, and will abide by the conditions of such licence.
- b) Permission is granted for a twelve month period beginning 1st July 2015 to 30th June 2016.
- c) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;
- d) All care to be taken to avoid the disturbance of fauna habitat; and
- e) All care to be taken to avoid any disturbance that may lead to soil degradation.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

10.2 DEPUTY CHIEF EXECUTIVE OFFICER

10.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - SEPTEMBER 2014

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/69

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for September 2015 be received.

**CARRIED
RECORD OF VOTE: 9 - 0**

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

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

23 OCTOBER, 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 October 2014	13.1	SPORTING COMPLEX MARBLE BAR FIVE YEAR PLAN Cr Dean Hatwell asked if the electrical works can be included in the five year plan for the sporting complex. Ms Sian Appleton, Deputy Chief Executive Officer answered yes this will be included in the five year plan as appropriate.	CDS-Rural	CDS-Rural undertaking – after survey completed to identify priorities	March 2016
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire 31 st December 2015 and staff will be discussing the agreement with the Department of Education.	DCEO	With State Solicitors	December 2015
6 March 2015	13.9	NULLAGINE GYM Cr Bidy Schill asked if there was an alternative to the pub holding the key to the gym as people cannot use the gym while pub is closed and also people are using the gym without paying. Ms Sian Appleton said they are looking into this with different options eg: CRC Nullagine holding the key and taking payments for the use of the gym.	DCEO	Still being investigated	December 2015
28 August 2015	13.1	NEWMAN NETBALL COURTS Cr Gerry Parsons asked where the Shire of East Pilbara is with the repairs to the Newman Netball Courts, as the Northwest Championships are going to be held in Newman for 2016 and require the Courts to be fixed. Deputy Chief Executive Officer, Ms Sian Appleton replied that we are waiting on the supplier to undertake repairs and we will be contacting the Newman Netball Association to advise of progress.	DCEO	Quotes received Newman Netball Association have been invited to discuss options	November 2016

10.2.2 AFFIXING COMMON SEAL TO CARPARKING AGREEMENT

Attachments: [Agreement for Carparking - Lots 18 and 21 Newman Drive - BHP-Mitsui- Itochu Minerals 2015.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sian Appleton
Deputy Chief Executive Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:39 AM Mr Robin Ross left Chambers.

11:39 AM Mr Rick Miller left Chambers.

11:39 AM Mr Allen Cooper left Chambers.

11:41 AM Mr Rick Miller returned to the Chambers

11:43 AM Mr Allen Cooper returned to the Chambers

An Interest was declared by Cr Anita Grace for Item No. 10.2.2

Nature of Interest: Financial

Extent of Interest: Business Owner next to Lots 18 and 21 Newman Drive

An Interest was declared by Cr John Jakobson for Item No. 10.2.2

Nature of Interest: Financial

Extent of Interest: Partner of Cr Anita Grace, as above Business Owner next to Lots 18 and 21 Newman Drive

11:43 AM Cr Anita Grace left Chambers.

11:43 AM Mr John Jakobson left Chambers.

REPORT PURPOSE

To advise Council that the Common Seal has been affixed under delegated authority to the Agreement for Carparking – Lots 18 and 21 Newman Drive.

BACKGROUND

The Owners applied to the Shire for development approval for a retail facility, shop(s), restaurant and car parking on the Land (Development).

The Pilbara Joint Development Assessment Panel, approved the Development on 28 August 2013 subject to conditions including the following (Approval):

Prior to the issuance of a building permit for the proposed development No. 1 (Lot 18) Hilditch Avenue, Newman (Lot 18) and No. 69 (Lot 21) Newman Drive, Newman (Lot 21), the owner of Lots 18 and 21 shall enter into a deed of agreement with the Shire of East Pilbara (Shire) whereby the owner:-

- a. acknowledges that a total of 150 car parking bays is required for the proposed development on that portion of Lot 1 designated as 'Lot 1' on the proposed

plan of subdivision of Lots 18 and 21 (Lot 1) and that the portion of Lot 18 to be amalgamated with the portion of closed road which is designated as 'Lot 2' on the proposed plan of subdivision (Lot 2) and the portion of Lot 21 to be amalgamated with the portion of closed road which is designated as 'Lot 3' on the proposed plan subdivision (Lot 3) are required to supply the stipulated total of 150 car parking bays for the proposed development on Lot 1;

- b. agrees that any future development on Lot 2 and/or Lot 3 must incorporate as part of the development of those lots the provision of a combined total of 150 car parking bays for use by the proposed development on Lot 1; and
- c. covenants that it shall not sell, transfer, lease or otherwise dispose of Lot 1, Lot 2, and/or Lot 3 separately unless an easement is granted or reserved as the case may be to the owner of Lot 1 for the use of the car parking bays on Lots 2 and 3, where Lots 1, 2 and 3 are sold, transferred, leased or disposed of to the same person simultaneously, that person enters into an agreement with the Shire to cover the matters set out in paragraphs (a), (b) and (c) of this Condition.

COMMENTS/OPTIONS/DISCUSSIONS

The attached agreement was prepared to the satisfaction of the Shire and has been duly signed by all interested parties including the affixing of the Shire of East Pilbara's common seal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
 - Responsible officer: DCEO
 - Timing: As appropriate

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/70

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council note that the Common Seal has been affixed, under delegated authority, to the Agreement for Carparking – Lots 18 and 21 Newman Drive.

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

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

10.2.3 AFFIXING OF THE COMMON SEAL TO THE MEMORANDUM OF UNDERSTANDING - NEWMAN COMMUNITY RADIO INC & SHIRE OF EAST PILBARA

File Ref: A702591
Attachments: [Memorandum of Understanding 05.10.2015.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Lot 2312, Newman
Name of Applicant: Newman Community Radio INC
Author Disclosure of Interest: Nil
11:45 AM Cr Anita Grace returned to the Chambers
11:45 AM Cr John Jakobson returned to the Chambers

PORT PURPOSE

To seek Council approval to enter into a Memorandum of Understanding with the Newman Community Radio to service the local Triple J radio network.

Approval to affix the common seal of the Shire of East Pilbara to the MOU between the Newman Community Radio and the Shire of East Pilbara.

BACKGROUND

The Shire of East Pilbara was approached by Brett Kelly, Newman Community Radio to service the Triple J radio network. Newman Community Radio provided an offer to the Shire of East Pilbara to maintain the Triple J radio, for an annual fee of \$3000.00, and in addition, they will provide the Shire of East Pilbara with free advertising on the local community radio.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal put forward to the Newman Community Radio is for the Shire of East Pilbara to donate annually for the service of the Triple J radio network and advertising with the following conditions;

- The donation will commence at \$3000.00 per year
- The donation will increase by 4% annually
- The term of the donation will be 3 x 1 year terms, commencing 1st July 2015.
- The Shire of East Pilbara will allocate the donation into a General Ledger held by the Shire of East Pilbara, which should cover the cost of the power consumption for the facility and leasing fees annually.
- Any surplus funds will be forwarded to the Newman Community Radio at the end of each financial year; any debts will be invoiced to Newman Community Radio.

As the Newman Community Radio is struggling to attract financial sponsorship, this donation to the Newman Community Radio will provide additional financial stability to an organisation that plays an important role in providing local services and information to the community

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.2 Build strong community groups, networks and governance

FINANCIAL IMPLICATIONS

The funds to be transferred from General Ledger 111305

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/71

MOVED: Cr Jay Ahmedi

SECONDED: Cr Michael Kitchin

THAT Council

- 1. Approve entering into the Memorandum of Understanding with Newman Community Radio in Newman commencing on the 1st July 2015.**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Memorandum of Understanding between the Newman Community Radio and the Shire of East Pilbara.**

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

10.2.4 AMENDMENT TO AUTHORISATION 3.5 DOG ACT 1976 - APPOINTMENTS

File Ref: RNG-1-9
Attachments: [3.5 Dog Act 1976 - Appointments.docx](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Emma Whakaruru
Coordinator Administration Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil
11:48 AM Cr Gerry Parsons left Chambers.

REPORT PURPOSE

To request Council approve the amendment of Authorisation 3.5 – Dog Act 1976 Appointments to enable the CEO to authorise, under the conditions attached to the Authorisation, the Development Services Administration Officer and Technical Services Administration Officer as Registration Officers and Authorised Person for the purpose of s29 of the Act.

BACKGROUND

Authorisation 6.5 does not currently cover the need to provide coverage to receipt and process Dog applications during any absence/s when both Coordinator Administration Services and Customer Service Officers are on leave or unavailable.

COMMENTS/OPTIONS/DISCUSSIONS

This amendment is required to ensure that no development activities are delayed due to staff absences or unavailability.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/72

MOVED: Cr John Jakobson

SECONDED: Cr Jay Ahmedi

THAT Council endorse the amendment to Authorisation 3.5 Dog Act 1976 – Appointments to include Development Services Administration Officer and Technical Services Administration Officer as Registration Officers and Authorised Persons for the purpose of s29 of the Act.

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

To be actioned by Ms Emma Whakaruru, Coordinator Administration Officer

**10.2.5 AMENDMENT TO DELEGATIONS 4.45 BUSH FIRES ACT 1975 -
PROSECUTIONS AND 4.46 CAT ACT 2011 - DELEGATIONS**

File Ref: RNG-1, RNG-5-8 & RNG-5-9
Attachments: [Delegations 4.45 Bush Fires Act 1954 - Prosecutions and 4.46 Cat Act 2011 0-Delegations.docx](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Emma Whakaruru
Coordinator Administration Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:51 AM Cr Gerry Parsons returned to the Chambers

REPORT PURPOSE

To request Council approve the amendments of Delegations 4.45 Bush Fires Act 1954 – Prosecutions and 4.46 Cat Act 2011 – Delegations to change the wording Authorisation to Delegation and Authorise to Delegate. Also to request Council to approve the amendment of Delegation 4.46 Cat Act 2011 – Delegations to include Development Services Administration Officer and Technical Services Administration Officer under the conditions attached to delegation as Authorised Persons for the purpose of s42 of the Act.

BACKGROUND

Delegations 4.45 and 4.46 require updates to reflect correct wording on the Delegation forms. Delegations 4.46 does not currently cover the need to provide coverage to receipt and process Cat applications during any absence/s when both Coordinator Administration Services and Customer Service Officers are on leave or unavailable.

COMMENTS/OPTIONS/DISCUSSIONS

This amendment is required to ensure that no development activities are delayed due to staff absences or unavailability.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/73

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT Council

- 1. Endorse the following amendment to Delegations 4.45 - Bush Fires Act 1954 and 4.46 - Cat Act 2011; “Authorisation” to “Delegation” and “Authorise” to “Delegate”**
- 2. Endorse the amendment of Delegation 4.46 - Cat Act 2011; to include Development Services Administration Officer and Technical Services Administration Officer under the conditions attached to delegation as Authorised Persons for the purpose of s42 of the Act.**

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Ms Emma Whakaruru, Coordinator Administration Officer

10.2.6 AMENDMENT TO THE PURCHASING AND TENDER PROCEDURES POLICY

File Ref:	TCH-1-7
Attachments:	Current Purchasing and Tender Procedures Deptcirc16-2015 Amended Purchasing and Tender Procedures
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Dawn Brown Asset & Procurement Administration Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the amended Purchasing and Tender Procedures Policy to be included within the SoEP Policy Manual.

BACKGROUND

Council adopted the 2015/16 Policy Manual (*in its entirety*) at the Ordinary Council meeting held on the 26th June, 2015 (**Resolution: 201516/254**).

Council then adopted an amendment to the 2015/16 Purchasing and Tender Procedures Policy at the Ordinary Council meeting held on the 25th September, 2015 (**Resolution: 201516/48**). This amendment removed the list of officers that could raise purchase orders for the value of \$2,000 and replaced with "*Other Officers in line with procedures will have authority to authorise purchases to the value of \$2,000.*"

COMMENTS/OPTIONS/DISCUSSIONS

A Department of Local Government and Communities Circular (copy attached) dated 10th September, 2015 advises that commencing on the 1st October, 2015 amendments to the *Local Government (Functions and General) Regulations 1996* would take effect.

These amendments are as a result of recommendations made by the Local Government Steering Committee and the Corruption and Crime Commission (CCC) with the aim to improve the purchase and tendering practices of local government.

The key amendments are:

- The tender threshold has been increased from \$100,000 to \$150,000.
 - Additional circumstances when tenders do not need to be publically invited.
-

- Anti-avoidance provisions strengthened to ensure that contracts are not split for the purposes of avoiding the tender threshold.
- Regulation 16 has been amended to require that when tenders are opened there must be at least two employees of the local government present, or one local government employee and at least one person authorised by the Chief Executive Officer.
- A new regulation (Regulation 21A) that provides a contract cannot be varied once a local government has entered into a contract for the support of goods or services unless:
 - The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
 - The variation is a renewal or extension of the original term of the contract (in accordance with Regulation 11(2)(j)).
- Part 4 Division 3 has been inserted into the Regulations to introduce the ability for local governments to create a panel of pre-qualified suppliers.
- Regulation 13 of the *Local Government (Audit) Regulations 1996* has been amended to require local governments to carry out an audit of compliance for panels of tenders in accordance with section 7.13(1)(i) of the *Local Government Act 1995*.
- The prescribed value of abandoned vehicle wrecks under regulation 29A(a) has been increased to \$500.
- The consideration under 30(3)(b) has been increased to \$75,000 in regards to the disposition of property. This amendment clarifies that it is not the difference between the purchase price and the sale price, but the total consideration of the new property (\$75,000 or less).

The SoEP Purchasing and Tender Procedures Policy must be amended to reflect the relevant amendments made to the *Local Government (Functions and General) Regulations 1996*, and therefore the following changes have been made (copy attached):-

- The purchase amount \$40,000 - \$99,000 has been changed to \$40,000 - \$149,999 – under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
- The purchase amount \$100,000 & greater has been changed to \$150,000 & greater – under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

- All references to \$100,000 as the tender threshold have been changed to \$150,000.
- Under Regulatory Compliance two additional exemptions from the requirement to publically invite Tenders have been included, being if goods or services are obtained through:-
 - A person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less
 - An Australian Disability Enterprise

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.57. Tenders for providing goods or services (pg 70)

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
 - Responsible officer: DCEO
 - Timing: As appropriate

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/74

MOVED: Cr Craig Hoyer

SECONDED: Cr John Jakobson

THAT Council adopt the amended Purchasing and Tender Procedure Policy.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Ms Dawn Brown, Asset & Procurement Administration Officer

**10.2.7 EAST PILBARA INDEPENDENCE SUPPORT - LOT 702, PREVIOUSLY
LOT 300, OPTION TERM FOR LEASE AGREEMENT AT NORTH NEWMAN
RESERVE**

File Ref: A700751

Attachments: [EPIS Board Meeting Minutes 7 September 2015 - Option Term for Lease Agreement.pdf](#)
[Letter from EPIS - Option Term of lease agreement.pdf](#)

Responsible Officer: Mr Ben Lewis
Manager Assets and Procurement

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: Lot 702 North Newman Reserve

Name of Applicant: East Pilbara Independence Support Inc

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into the Option Term for the lease agreement between the Shire of East Pilbara and the East Pilbara Independence Support Inc (EPIS), located at North Newman Reserve, Reserve 41654, Lot 702 (previously known as Lot 300).

BACKGROUND

The Shire of East Pilbara entered into a lease agreement with East Pilbara Independence Support located at North Newman Reserve, for portion of Reserve 41654. The terms of the existing lease are:

Lease Schedule

Item 2 - Term

Ten (10) years commencing 23rd June 2005 for a period of 10 years,

Item 3 – Further Term

Ten (10) years commencing on 23rd June 2015 to 22 June 2025.

COMMENTS/OPTIONS/DISCUSSIONS

East Pilbara Independence Support has requested that the additional term option be endorsed by Council.

This was ratified by their board at its meeting on September 2015.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 Promote diverse, harmonious and caring communities

Responsible officer: MCW

Timing: 1-3 years

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/75

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Council,

Approves the Shire of East Pilbara to enter into the Option Term of the lease agreement between East Pilbara Independence Support for ten (10) years commencing 23rd June 2015 to 23 June 2025 for portion of land located at North Newman Reserve, Reserve 41654, Lot 702, previously Lot 300, under the current lease agreement.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

10.2.8 CAPE KERAUDREN ACCESS FOR THE NGARLA PEOPLE

Attachments:	15.10.02 - Ltr to S Appleton re Ngarla Access to Cape Keraudren.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Ben Lewis Manager Assets and Procurement
Location/Address:	A139135 - Cape Keraudren Reserve
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider the identification sticker system proposed by the Wanparta Corporation for access by the Ngarla People into the Cape Keraudren Reserve.

BACKGROUND

Council, at its June 2015 meeting resolved the following:

THAT Council

- 1. Approve the process for the Ngarla People to make application to receive free entry to Cape Keraudren based on their traditional obligations to country.***
- 2. Including sign off by the Ngarla People Legal Representatives.***

COMMENTS/OPTIONS/DISCUSSIONS

Following Council's decision, staff implemented the agreed process and the application forms were sent to the Ngarla People's legal representation for action so the approved stickers could be issued.

Since then, Council has received correspondence from Maclaren Legal advising that the Wanparta Corporation intend to produce a non-removable Ngarla identification sticker to be affixed to the motor vehicles owned by the Ngarla People only

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION

Approve the identification sticker system proposed by the Wanparta Corporation for access by the Ngarla People into the Cape Keraudren Reserve.

COUNCIL RESOLUTION: 201516/76

MOVED: Cr Michael Kitchin

SECONDED: Cr Craig Hoyer

THAT Council,

- 1. Approve the identification sticker system proposed by the Wanparta Corporation for access by the Ngarla People into the Cape Keraudren Reserve.**
- 2. Review for 12 months and report back to Council.**
- 3. Include visitation of the Ngarla people statistics, in the Information Bulletin.**

**CARRIED
RECORD OF VOTE: 9 - 0**

Reason for Non Acceptance of Officer's Recommendation: Council included points 2 & 3.

To be actioned by Mr Ben Lewis, Manager Assets & Procurement

10.2.9 AUDIT COMMITTEE REPORT 8TH OCTOBER 2015

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

REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

BACKGROUND

The Audit Committee met on the 8th October 2015 and the minutes of that meeting are attached.

COMMENTS/OPTIONS/DISCUSSIONS

Role of the Audit Committee

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Committee minutes.

POLICY IMPLICATIONS

Refer to attached Committee minutes.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/77

MOVED: Cr Dean Hatwell

SECONDED: Cr Biddy Schill

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

AUDIT COMMITTEE RECOMMENDATION 1:

THAT the monthly financial statements for the period 1 July 2015 to 31 August 2015 of the 2015/16 financial year, as presented, be received.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

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

10.2.10 TRANSFER OF OPERATIONAL MONEY TO CAPITAL

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

REPORT PURPOSE

For Council to endorse the transfer of money from the Cyclone Contingency operational account to a new capital account - Newman Christmas Tree.

BACKGROUND

Newman, Marble Bar and Nullagine all have Christmas Trees that are erected for the festive season. Last year the Newman Christmas tree was vandalised several times. An insurance claim was submitted for this damage and money was received.

COMMENTS/OPTIONS/DISCUSSIONS

At the 2015/16 budget the purchase of a new Christmas tree for Newman, using the insurance proceeds, was accidentally omitted. As it is seen as important to replace the tree for this forthcoming festive season money needs to be reallocated from operational matters into a capital account.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 4 - General financial provisions)

6.8. *Expenditure from municipal fund not included in annual budget*

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

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
Responsible officer: DCEO
Timing: As appropriate

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with budgetary limits if \$25,000 is transferred from general ledger 41208 Cyclone / Storm Contingency Fund \$80,000 to newly created capital general ledger.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/78

MOVED: Cr Michael Kitchin

SECONDED: Cr Craig Hoyer

THAT Council endorse the transfer of money from the Cyclone Contingency operational account to a new capital account - Newman Christmas Tree.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

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

10.2.11 SUNDRY DEBTORS WRITE OFF - LYONS & PEIRCE AND STL HOLDINGS

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Isabella Kloppers
Revenue Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

12:04 PM Cr Lynne Craigie returned to the Chambers

REPORT PURPOSE

To seek Council approval to write off uncollectible debt from two companies placed under administration to the value of \$335,605.00.

BACKGROUND

Lyons & Peirce

We have received formal confirmation from Pitcher Partners on the 16th June 2015 that Lyons & Peirce Karratha had been placed under administration. In the months before this realised, they were attempting to adhere to a payment plan that had been set up between the Shire and their Head Office in Perth.

The last payment received was on the 21st May 2015. An amount of \$43,447.00 was paid towards invoice 64770 that had originally been raised for tip fees in October 2014 for an amount of \$104,034.00.

STL Holdings (Sargent)

On 23 April 2015, the Shire received correspondence from McGrath Nicol informing us that the company had been placed under administration.

The last payment received on the account was paid by the Administrators on the 29th May 2015. They have paid \$850.00 towards invoice 66065, originally raised for an amount of \$3,829.00 being tip fees for March 2015.

COMMENTS/OPTIONS/DISCUSSIONS

Lyons & Peirce

Please see below a summary of the accounts:

Invoice Number	Invoice Date	Amount	Description	Balance
66347	06/05/2015	\$ 11,440.00	Newman Tip Fees for the month of April 2015 Newman Tip Fees for the month of April 2015 GST	\$11,440.00
66058	09/04/2015	\$ 41,990.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 GST	\$41,990.00
65751	05/03/2015	\$ 57,980.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 GST	\$57,980.00
65513	05/02/2015	\$ 44,980.00	Newman Tip Fees for the month of January 2015 Newman Tip Fees for the month of January 2015 GST	\$44,980.00
65375	20/01/2015	\$ 63,856.00	Newman Tip Fees for the month of December 2014 Newman Tip Fees for the month of December 2014 GST	\$43,856.00
65129	11/12/2014	\$ 63,440.00	Newman Tip Fees for the month of November 2014 Newman Tip Fees for the month of November 2014 GST	\$63,440.00
64770	04/11/2014	\$104,034.00	Newman Tip Fees for the month of October 2014 Newman Tip Fees for the month of October 2014 Tip Fees - Liquid Waste (charged in 1000L increments) GST	\$60,587.00

STL Holdings

Invoice Number	Invoice Date	Amount	Description	Balance
66065	09/04/2015	\$ 3,829.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$2,979.00
65759	05/03/2015	\$ 8,353.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 Tip Fees - Wood, clean pallets, structural timber etc Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$8,353.00

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial management
Division 4 General financial provisions

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

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money;
or
 - (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Provision have been made for these items in the doubtful debts of the 14/15 financial year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/79

MOVED: Cr Dean Hatwell

SECONDED: Cr Jay Ahmedi

THAT the Sundry Debtors listed below be written off:

Invoice Number	Invoice Date	Amount	Description	Balance
66347	06/05/2015	\$ 11,440.00	Newman Tip Fees for the month of April 2015 Newman Tip Fees for the month of April 2015 GST	\$11,440.00
66058	09/04/2015	\$ 41,990.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 GST	\$41,990.00
65751	05/03/2015	\$ 57,980.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 GST	\$57,980.00
65513	05/02/2015	\$ 44,980.00	Newman Tip Fees for the month of January 2015 Newman Tip Fees for the month of January 2015 GST	\$44,980.00
65375	20/01/2015	\$ 63,856.00	Newman Tip Fees for the month of December 2014 Newman Tip Fees for the month of December 2014 GST	\$43,856.00
65129	11/12/2014	\$ 63,440.00	Newman Tip Fees for the month of November 2014 Newman Tip Fees for the month of November 2014 GST	\$63,440.00
64770	04/11/2014	\$104,034.00	Newman Tip Fees for the month of October 2014 Newman Tip Fees for the month of October 2014 Tip Fees - Liquid Waste (charged in 1000L increments) GST	\$60,587.00

Invoice Number	Invoice Date	Amount	Description	Balance
66065	09/04/2015	\$ 3,829.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$2,979.00
65759	05/03/2015	\$ 8,353.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 Tip Fees - Wood, clean pallets, structural timber etc Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$8,353.00

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

To be actioned by Mrs Isabella Kloppers, Revenue Finance Officer

10.2.12 MONTHLY FINANCIAL STATEMENTS - AUGUST 2015

Attachments:	August 2015 Variance Report.doc August Financials.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 13-page report details the financial activities of the Council for the period 1 August to 31st August of the 2015/2016 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/80

MOVED: Cr Craig Hoyer

SECONDED: Cr Lang Coppin

That the monthly financial statements for the period 1 August to 31 August of the 2015/2016 financial year as presented be received.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mrs Candice Porro, Senior Finance Officer

10.2.13 CREDITORS FOR PAYMENT

File Ref: FIN23-9

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Jeanette Bessell
Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 25 September 2015.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT30121 – EFT30580	\$3,350,274.52
	Total	\$3,350,274.52
Cheque Payments	CHQ23751 – CHQ23823	135,035.70
Manual Cheque Payments	CHQ248 – CHQ249	31,293.48
	Total	\$166,329.18
	GRAND TOTAL	<u>\$3,516,603.70</u>

Please note the computer system allows for only a limited field for the description of goods/services purchased, therefore the description shown on the attached Schedule of Accounts may not show the entire description entered for the goods/services purchased.

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CHQ23804, CHQ23805 and CHQ23806

CANCELLED CHEQUES & EFTS

EFT30232,EFT30298,EFT30299,EFT30300,EFT30301,EFT30302,EFT30303,
EFT30304,EFT30402,EFT30517,EFT30542 and EFT30574

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$3,516,603.70

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/81

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

FUND	VOUCHER	AMOUNT
EFT Payments	EFT30121 – EFT30580	\$3,350,274.52
	Total	\$3,350,274.52
Cheque Payments	CHQ23751 – CHQ23823	135,035.70
Manual Cheque Payments	CHQ248 – CHQ249	31,293.48
	Total	\$166,329.18
	GRAND TOTAL	<u>\$3,516,603.70</u>

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mrs Jeanette Bessell, Finance Officer

10.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

10.3.1 DIRECTOR TECHNICAL & DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - SEPTEMBER 2015

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/82

MOVED: Cr Dean Hatwell

SECONDED: Cr Craig Hoyer

THAT the “Status of Council Decisions” – Director Technical and Development Services for September 2015 be received.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Rick Miller, Director Technical & Development Services

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MDSP	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and marked points of interest for future tourist mapping. Executive to allocate resources to develop themes and seek funding	Pending
24th July 2015	13.3	NULLAGINE – BLUE HOUSE Cr Bidy Schill asked who does the Blue House belong too as it is empty and could be used by community groups/members of the public. Can a letter be written to ask what they intend doing to the Blue House. Ms Sian Appleton, Deputy CEO replied it is owned by the Department of Housing and letter will be written.	MDS-Building	MDS-Building to follow up Letter to Department of Housing has been written and sent 15/09/2015	Awaiting response
28 August 2015	13.4	RSL PARK MARBLE BAR Cr Dean Hatwell asked if it was possible to review the concept of the RSL Park layout and if possible to extend the playing area of the park.	MTS-R MAP	To be investigated and options reported back to Council Survey being undertaken	December 2015
28 August 2015	13.5	WORKS MARBLE BAR Cr Dean Hatwell asked if the Councillors could get an update or information on works scheduled for this financial year in Marble Bar.	MTS-R MAP	List of projects to be detailed and approximately time to be advised. Being Developed	December 2015
28 August 2015	13.6	OLD CATHOLIC CHURCH MARBLE BAR Cr Stephen Kiernan asked if the Shire of East Pilbara could take responsibility of the old Catholic Church as it is deteriorating, and vandals are breaking in destroying the church. Furthermore can	MDS-B	Manager Building to follow up. In the hands of Marble Bar Community	Completed

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		discussions be made with the Catholic Church and Shire of East Pilbara on the future of the church? Ms Sian Appleton, Deputy Chief Executive Officer to follow up.			

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**12.1 REVIEW OF MEETING ATTENDANCE FEES AND MEMBERS
ALLOWANCES BE ACCEPTED AS AGENDA ITEM 12.1.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/83

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

**THAT the review of meeting attendance fees and members allowances be
accepted as item 12.1.1.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

**12.1.1 REVIEW OF MEETING ATTENDANCE FEES AND MEMBER
ALLOWANCES**

File Ref: CLR-4-2
**Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer**
**Author: Mrs Lisa Davis
Coordinator Governance**
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine the amount to be provided in the 2015/2016 budget for meeting attendance fees for Members and reimbursement of allowable expenses.

BACKGROUND

The Local Government Act provides for the payment to Members of fees for attending Council Meetings on either a per meeting or annual basis. The Act also allows for the reimbursement of, or an allowance to, cover certain expenses incurred by members.

The value of those fees and allowances are stipulated in the Local Government (Administration) regulations and are as follows:

	For a council member other than the Mayor or President			For a council member who holds the office of Mayor or President		
Committee meeting and prescribed meeting fees per meeting – local governments	\$363.00	to	\$550.00	\$363.00	to	\$738.00
Annual attendance fees in lieu of council meeting and committee meeting attendance fees – local governments	\$14,500.00	to	\$22,000.00	\$14,500.00	to	\$29,500.00
Annual Allowance for a Mayor or President of a Local Government				\$15,000.00	to	\$60,000.00
Annual Allowance for a Deputy Mayor - being the percentage determined for the purposes of S5.98A(1) of the LG Act of 25%	\$3,750.00	to	\$15,000.00			

In addition to the fees above, Council also endorsed a Telecommunications Allowance of \$1,000 be paid to all Councillors and \$2,000 be paid to the Shire President per annum, paid quarterly in arrears.

COMMENTS/OPTIONS/DISCUSSIONS

When considering the fees payable and allowances which may be reimbursed to Councillors the unique circumstances applicable to the Shire of East Pilbara need to be considered. Given the sheer size of the Shire and the isolation of the location the commitment by Councillors in both time, predominantly for travel, and expenses incurred would exceed those of other smaller local governments and those closer to, or based in, the metropolitan area.

Council currently, 2013/2014, provides for the payment of Meeting Fees quarterly in arrears of \$15,000 each annually for Councillors and \$29,000 annually for the President. In addition, an allowance of \$33,000 is paid (quarterly in arrears) to the Shire President, and \$8,250 to the Deputy President to recognise any out of pocket expenses which have been incurred in representing the Council.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act

- Section 5.98 Fees etc for Council members
- 5.98A Allowance for Deputy President
- 5.99 Annual Fee for Attending Meetings
- 5.99A Allowances in Lieu of Reimbursements

Administration Regulations

- Regulation 30 Meeting Attendance Fees
- 31 Expenses that are to be reimbursed
- 32 Expenses that may be reimbursed
- 33 Annual Allowance for President
- 33A Annual Allowance for Deputy President

34 Annual Attendance Fees
34A Allowances in Lieu of Reimbursements of
Telecommunications Expenses

POLICY IMPLICATIONS

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
- 1.1.1 Ethical, accountable and transparent decision-making
Responsible officer: DCEO
Timing: As appropriate

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the 2015/2016 budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/84

MOVED: Cr Jay Ahmed

SECONDED: Cr Gerry Parsons

THAT Council:

1. **Endorse the following annual allowances and meeting attendance fees for inclusion in the 2015/2016 budget to be paid quarterly in arrears**
 - (a) **Councillor's Meeting Fees \$150,000
(An Annual Fee of \$15,000 per Councillor)**
 - (b) **President's Meeting Fees \$29,000**
2. **A Telecommunications Allowance per annum to be paid quarterly in arrears of \$1,000 to all councillors and \$2,000 to the Shire President.**
3. **A Presidential Allowance of \$33,000 per annum be paid quarterly in arrears**
4. **A Deputy Presidential Allowance of \$8,250 per annum be paid quarterly in arrears**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

To be actioned by Mrs Lisa Davis, Coordinator Governance

12.2 REQUEST FOR FURTHER FUNDING BY NEWMAN AMATEUR SWIMMING CLUB BE ACCEPTED AS AGENDA ITEM 12.2.1

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/85

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

THAT the request for further funding by Newman Amateur Swimming Club be accepted as item 12.2.1

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

12.2.1 REQUEST FOR FURTHER FUNDING BY NEWMAN AMATEUR SWIMMING CLUB

File Ref: ORG-13-32
Attachments: [Swim Club Information.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Proposed Meeting Date: 23 October 2015
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a further request from the Newman Amateur Swimming Club for subsidised out of hours use of the aquatic centre for Club nights for a total of approximately \$3,500.

BACKGROUND

At the 3rd December meeting 2013 Council resolved

THAT Council:

- 1. Offer free lane hire for the training and time trial sessions that occur within the normal opening hours of the Newman Aquatic Centre to the Newman Amateur Swimming Club for the next five consecutive years, up to the maximum value of \$5,000 per year.*
- 2. Amend the Fees and Charges to reflect these changes*
- 3. Advertise by local public notice the adopted new fees pursuant to Section 6.19 Local Government Act.*

In addition to this the Newman Amateur Swimming Club members also receive free entry to the Aquatic Centre for club sessions.

Last year the approximate total of the subsidy was \$10,000.

COMMENTS/OPTIONS/DISCUSSIONS

The Newman Amateur Swimming Club has again written to Council requesting a further subsidy for out of hour's use of the aquatic centre. This letter is attached for Councillors information and is summarised below –

- Free Lane hire up to the value of \$5000 as per the agenda 9.2.5 on the 6th of December 2013.
- Free entry for the swimmers registered with the club, for the purpose of club activities only
- Club night's max of 10 per year, the club will give the shire an amount of \$2000 a year for the next 3 years to coincide with the Lane Hire Contract, as per the hours below.
- Use of 50m pool in an agreed format as suggested below.

Points one and two have been covered by the previous agenda item and the fees and charges. Point three is a new request. Costing of this request is \$535 (as per fees and charges) x 10 times per year = \$5,350 of which the club are prepared to pay \$2,000. The Club is therefore requesting a further subsidy of \$3,350.

The club currently have approximately 40 members. The club paid an Annual Service Fee of \$500, for the 15/16 year, and pays electricity for the clubrooms.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.11 JUNIOR COMMUNITY AND SPORTING ORGANISATIONS ASSISTANCE.

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 *Promote safe and healthy communities*

Responsible officer: MCW

Timing: 1-3 years

2.1.2 *Encourage active lifestyles*

Responsible officer: MCW

Timing: 1-3 years

2.1.3 *Encourage high rates of participation in community activities and events*
Responsible officer: MCW
Timing: 1 year

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

FINANCIAL IMPLICATIONS

Resource requirements have not been allowed for in the existing budgetary allocation. This agenda if approved will alter the following figures.

Account number 81035 budget \$50,000.

Balance as at 24th October 2015, \$5,346.49 currently; altered figure \$18,846.

Last year's total expenditure for Junior Sport and Community Group assistance was approximately \$46,000.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/86

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Council endorse a further subsidy to the Newman Amateur Swimming Club of approximately \$3,500, being a total annual subsidy of approximately \$13,500.00.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

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

**12.3 EXTENSION OF LEASE KURRA ACCOMMODATION VILLAGE REVIEW
BE ACCEPTED AS ITEM 12.3.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/87

MOVED: Cr Michael Kitchin

SECONDED: Cr Jay Ahmedi

THAT the extension of lease Kurra Accommodation Village review to be accepted as item 12.3.1

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

12.3.1 EXTENSION OF LEASE KURRA ACCOMMODATION VILLAGE REVIEW

File Ref: A441655
**Responsible Officer: Mr Allen Cooper
Chief Executive Officer**
**Author: Mr Allen Cooper
Chief Executive Officer**
Proposed Meeting Date: 23 October 2015
Location/Address: LOT 301 & 302 Newman Drive, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:33 PM Meeting adjourned.

12:47 PM Meeting resumed, All Councillors and staff, except Mr Rick Miller returned to Chambers.

*An Interest was declared by
Cr Lang Coppin, Cr John Jakobson, Cr Anita Grace and Cr Biddy Schill for Item No. 12.3.1
Nature of Interest: Financial
Extent of Interest: Shareholder excess of \$10,000*

*An Interest was declared by
Cr Gerry Parsons for Item No. 12.3.1
Nature of Interest: Financial
Extent of Interest: Husband is an Employee of BHP Billiton, Co-Owner of House Ownership Scheme, and Shareholder excess of \$10,000*

*An Interest was declared by
Cr Lynne Craigie No. 12.3.1
Nature of Interest: Financial
Extent of Interest: Husband is an Ex-Employee of BHP Billiton, and Shareholder excess of \$10,000*

An Interest was declared by

Cr Jay Ahmedi for Item No. 12.3.1

Nature of Interest: Financial

Extent of Interest: Wife is an Employee of BHP Billiton, Co-Owner of House Ownership Scheme, and Shareholder excess of \$10,000

An Interest was declared by Cr Craig Hoyer for Item No. 12.3.1

Nature of Interest: Financial

Extent of Interest: Employee of BHP Billiton and Shareholder excess \$10,000

An application was sent to the Department of Local Government and Communities asking for an exemption due to no quorum being available to consider the item because of the declarations made by the Councillors.

On the 23^d October 2015, Council received a letter from the Department of Local Government and Communities to advise that in accordance with authority delegated by the Minister for Local Government, the Director General has approved the Shire's application under section 5.69(3) of the Local Government Act 1995 to allow disclosing members Cr Lynne Craigie, Cr Anita Grace, Cr John Jakobson, Cr Craig Hoyer, Cr Gerry Parsons, Cr Bidy Schill, Cr Lang Coppin and Cr Jay Ahmedi to fully participate in the discussion and decision making in relation to item 12.3.1 Extension of Lease Kurra Accommodation Village at the ordinary meeting of Council to be held on 23 October 2015.

(Attached is the letter from the Department of Local Government and Communities).

1:13 PM Mr Rick Miller returned to the Chambers



Government of **Western Australia**
Department of **Local Government and Communities**

Your Ref: CLR 1-1
Our Ref: LP1-/#02; E1542914

Mr Allen Cooper
Chief Executive Officer
Shire of East Pilbara
Kalgan Dr
NEWMAN WA 6753

Dear Mr Cooper

**SHIRE OF EAST PILBARA - SECTION 5.69(3) LOCAL GOVERNMENT ACT
1995 APPROVAL TO PARTICIPATE**

I refer to your e mail correspondence of 22 October 2015 in which you seek approval under section 5.69(3) of the Local Government Act 1995 on behalf of Councillors Craigie, Parsons, Hoyer, Coppin, Schill, Grace, Jacobson and Ahmedi to participate in item 12.3.1 "Extension of Lease Kurra Accommodation Village Review" "that will come before Council on 23 October 2015.

The Executive Director has decided to exercise the delegated authority given by the Minister for Local Government and approve the application, subject to the following conditions:

1. The approval is for Councillors Craigie, Parsons, Hoyer, Coppin, Schill, Grace, Jacobson and Ahmedi to participate in item 12.3.1 "Extension of Lease Kurra Accommodation Village Review" "that will come before Council on 23 October 2015.and is valid for the deliberations and decision making process for that item only.
2. Councillors Craigie, Parsons, Hoyer, Coppin, Schill, Grace, Jacobson and Ahmedi shall declare the nature and extent of their interests at the Council meeting when this item is presented for consideration;
3. The CEO is to provide a copy of the Department's letter advising of the approval to Councillors Craigie, Parsons, Hoyer, Coppin, Schill, Grace, Jacobson and Ahmedi
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when the items are discussed; and

Gordon Stephenson House
140 William Street Perth WA 6000
GPO Box R1250 Perth WA 6844

Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

40/10/15

5. It should be noted that the above approval relates only to the interests declared by the Councillors on their Declaration Forms provided with the application. Should any other interests be relevant these will not be covered by the participation approval and the financial interest provisions of the Act would apply.

In order for the Department to ensure compliance with this approval, please forward a copy of the relevant minutes of this item for its consideration, when available.

Should you require further information, please contact me on 6552 1535.

Yours sincerely



David Morris
Manager Sector Governance

23 October 2015

REPORT PURPOSE

To consider Councils input on the proposal by BHP Billiton Iron Ore Pty Ltd to extend the lease of lots 301 & 302 Newman Drive, Newman (Known as Kurra Accommodation Village).

BACKGROUND

Council was requested by BHP Billiton Iron Ore Pty Ltd in October 2013 to provide feed on a proposal to extend the lease of Kurra Accommodation Village on the following terms:

- a) The renewed term would be for a total period of 25 years made up of an initial renewed term of 10 years, with 3 options for an additional 5 years;
- b) To provide capacity to accommodate around 1100 transient worker personnel at Kurra at any one time, the existing 1613 rooms would be retained to allow for roster variations and short term peaks;
- c) Shire rates would be payable on Gross Rental Valuation basis;
- d) Annual rental payable to the Department of Lands would be on agreed market value or as determined by an independent expert. The annual rental would be reviewed every three years;
- e) All other terms and conditions would be the same as the current lease.

Council at item 9.1.8 of Ordinary Council meeting on the 31st January 2014 resolved the following:

COUNCIL RESOLUTION: 201516/182

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

THAT Council support in principle the extension of the lease of Kurra Village up to 25 years subject to a working group consisting of Council and BHP Billiton Iron Ore representatives finalising the details and reporting back to Council.

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

Subsequent to the above minute the working group met and the main points discussed were:

- 1) The size (room numbers) of the village.
- 2) Proposed uses of the village.
- 3) Built form and integration of the village into the community.

Following on from that Council resolved the following at item 9.1.7 of the 22nd August, 2014.

COUNCIL RESOLUTION: 201516/23

MOVED: Cr Lang Coppin

SECONDED: Cr Gerry Parsons

THAT Council continue to support the use of Kurra Village based on the following conditions:

- 1. The village be set to a maximum size of 1600 rooms.**
- 2. The village only to be utilised by workers of BHP Billiton who cannot be residentially accommodated with local employment opportunities.**
- 3. BHP Billiton commit to identifying and funding integration opportunities, including but not limited to recreation, public open spaces, pedestrian connectivity and community safety.**

CARRIED

RECORD OF VOTE: 9 – 1

Between the periods January to August 2014, BHP Billiton Iron Ore Pty Ltd, announced 150 residents, redundancies were to occur throughout Newman. This along with the flow on effect throughout the community, an out-pour of population occurred in late 2014 leaving BHP Iron Ore Pty Ltd with over 300 empty accommodation units and the town with over 400, not including the short term accommodation providers. Due to the economic and social climate in Newman since that time and that the lease of Kurra Accommodation Village is not due to expire until 31st December 2015 it is prudent for Council again to consider its position on the size and use of Kurra Accommodation Village.

COMMENTS/OPTIONS/DISCUSSIONS

To maintain Councils current position as previously determine or to alter its position based on current economic and social conditions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Council is not the approving authority of the lease arrangement, on crown land, that responsibility sits with the Minister for Lands.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.1 Business diversification and promotion

3.1.1 *Provide support for established and emerging business bodies and local businesses*

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council continue to support the extension of the lease of Kurra Accommodation Village up to 25 years (item 9.1.8, 31st January 2014).

COUNCIL RESOLUTION: 201516/88

MOVED: Cr Jay Ahmedi

SECONDED: Cr Anita Grace

THAT Council resolve to consider to rescind item 9.1.8, 31st January 2014, Extension of Lease Kurra Village.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

COUNCIL RESOLUTION: 201516/89

MOVED: Cr Jay Ahmedi

SECONDED: Cr Michael Kitchin

THAT Council rescind item 9.1.8, 31st January 2014, Extension of Lease Kurra Village, being;

THAT Council support in principle the extension of the lease of Kurra Village up to 25 years subject to a working group consisting of Council and BHP Billiton Iron Ore representatives finalising the details and reporting back to Council.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

Reason for Non Acceptance of Officer's Recommendation: That Council can consider all items in one resolution.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/90

MOVED: Cr Anita Grace

SECONDED: Cr Gerry Parsons

THAT Council resolve to consider to rescind item 9.1.7 Kurra Village – Extension of Lease 22nd August 2014.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/91

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

THAT Council rescind item 9.1.7 Kurra Village – Extension of Lease 22nd August 2014; being

THAT Council continue to support the use of Kurra Village based on the following conditions:

- 1. The village be set to a maximum size of 1600 rooms.*
- 2. The village only to be utilised by workers of BHP Billiton who cannot be residentially accommodated with local employment opportunities.*
- 3. BHP Billiton commit to identifying and funding integration opportunities, including but not limited to recreation, public open spaces, pedestrian connectivity and community safety.*

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0

OFFICER'S RECOMMENDATION

THAT Council continue to support the use of Kurra Accommodation Village based on the following conditions:

- 1) The village size be set to a maximum of 600 rooms.
- 2) The village be utilized by direct employees only, not contractors, who cannot be housed residentially through local employment opportunities.
- 3) BHP Billiton Iron Ore Pty Ltd commit to identifying and funding integration opportunities, including but not limited to recreating, public open space, pedestrian connectivity and community safety recreation.

COUNCIL RECOMMENDATION:

MOVED: Cr Anita Grace

SECONDED: Cr Jay Ahmedi

THAT Council not support the extension of the lease of Kurra Accommodation Village and that the Village be closed and employees and facilities be integrated into the Newman Townsite

**LOST
RECORD OF VOTE: 4 – 6**

COUNCIL RESOLUTION: 201516/92

MOVED: Cr Dean Hatwell

SECONDED: Cr Michael Kitchin

THAT Council continue to support the use of Kurra Accommodation Village based on the following conditions:

- 1) The terms of the lease be five (5) years with a five (5) year option.**
- 2) The village size be set to a maximum of 600 rooms.**
- 3) The village be utilized by direct employees only, not contractors, who cannot be housed residentially through local employment opportunities.**
- 4) BHP Billiton Iron Ore Pty Ltd commit to identifying and funding integration opportunities, including but not limited to recreation, public open space, pedestrian connectivity, community safety, training and local procurement.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

Reason for Non Acceptance of Officer's Recommendation: That Council considered all items in one resolution.

**12.4 WINDMILL WATER SUPPLY WESTERN DESERT BE ACCEPTED AS ITEM
12.4.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/93

MOVED: Cr Gerry Parsons

SECONDED: Cr Lang Coppin

THAT Windmill water supply, Western Desert to be accepted as item 12.4.1

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

12.4.1 WINDMILL WATER SUPPLY WESTERN DESERT

File Ref: A200232
**Attachments: Desert Road Maps
Correspondence (Confidential)**
**Responsible Officer: Mr Rick Miller
Director Technical & Development Services**
**Author: Mr Oliver Schaer
Manager Technical Services - Rural**
Proposed Meeting Date: 23 October 2015
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council as to the current operating status and issues of various windmills located alongside the remote rural road network within the Shire of East Pilbara.

BACKGROUND

The installation of the windmills located alongside the desert roads extending from Telfer to the WA/NT Border occurred many years ago. It is assumed that the windmill installation was carried out in order to provide water at strategic points within the desert to assist with remote travel and various roadworks and or exploration activities and may have been installed strategically by the Department of Interior at the time or ad hoc by various operators or both. These locations and windmills are not registered and or listed with the current Department of Water but some are identified as points of interest on tourist maps (HEMA etc).

Investigation by shire officers as to actual ownership of the existing windmills has been inconclusive. During the consultation process, all Communities advised that they do not maintain the windmills and didn't know much about them. The only exception being the Kiwirrkurra Community who have replaced their windmills with hand pumps.

As such, ownership would normally revert to the owner of the land which in this case are the traditional owners. Council currently maintains access roads to the Communities with funding from the State Government. There is no dedicated road reserve and the land remains under native title determination. For access along these roads by the general public they are required to obtain an authorised permit to travel through Country. Government employees engaged in official duties are exempt from this requirement. As a result any works on, within or around the road require consultation with the relevant traditional land owner groups.

Following a previous request from Council to review the locations and condition of the existing windmills, Council staff undertook inspections to ascertain the condition of the existing windmills as well as the need and viability of the windmills.

In summary, the following points have been observed as a result of the inspection:

1. There are currently 6 windmills between Telfer and Kunawarritji. None are currently operational even though it has been claimed by a local contractor that they have been maintained.
2. There are 3 hand pumps between Kunawarritji and the NT Border. All three are operational and working well.
3. The windmills are no longer viable to repair and maintain. The damage to the majority is as a result of fire damage as well as vandalism and poor construction and maintenance techniques. Existing structures are not considered safe and structurally sound.

Further to the inspection in May 2015, shire staff also consulted with the Communities as to their needs and requirements with regard to the provision of water along the desert roads.

The following information was obtained:

1. Due to the high maintenance requirements of windmills hand pumps are preferred as a lower cost solution.
2. Comments have been made that no one uses the windmills anymore.
3. Windmills are used for parts
4. There is no maintenance/inspection regime in place. Some work is done ad hoc by various people.

In the event that Council wants to take responsibility for the windmills/supply of water the following points should be considered:

1. The land on which the windmills are located is for all intents and purposes private land in that it is native title determined land with access restrictions and limitations.
2. Council does not own the existing infrastructure and will require permission to access the relevant areas for the purpose of constructing and or maintaining any infrastructure other than road works.
3. Generally existing windmill infrastructure is unsafe and not suitable for public access and use.
4. Windmills are considered not suitable due to high maintenance requirements as well as issues with people working at heights and possible public access issues due to high structures.
5. Windmills and tanks in remote locations are easily damaged and destroyed by bush fires and susceptible to wind damage.
6. Windmills require a regular windmill run to inspect and check operations. Due to the remote locations this would be time consuming and a strain on staff resources, with high costs at the expense of core road maintenance functions. Shire officers currently carry out 4 to 5 inspections per year on the desert road.
7. There may be health regulation issues due to the supply of untreated water as it may not be considered potable.
8. If Council maintains the site, Council will become legally responsible. This would apply to the infrastructure as well as the water quality. This responsibility will apply as soon as Council commences works and will apply until either another organisation takes over responsibility/control or until the infrastructure is removed.
9. It would prove difficult to find a suitable contractor(with relevant insurances etc) to carry out the required work in these remote locations.
10. Currently there is no funding available for the upkeep or new construction of windmills/hand pumps. Any funding for such projects would have to come out of Council's own resources.
11. Traffic volumes are extremely low in the hotter months. The grader driver has reported at times a single vehicle within a week.
12. Hand pumps should be considered as a viable option to Windmills. Hand pumps are more easily maintained, have no working at height issues and are not susceptible to fire damage.

The windmills were constructed at a time when the road was just a sandy track. Travel used to take many days between Communities and was carried out in vehicles offering little comfort and reliability. Today the roads are gravel sheeted and travel takes about 2 hours or so between Communities. Travel is usually conducted in modern reliable vehicles. As such there is less of a need to provide a water point between Communities as water is available at each Community. Council's road crew and contractor's only source treated water from the Communities and no longer from old water wells along the road.

COMMENTS/OPTIONS/DISCUSSIONS

A contractor Jack Bennett known as "Windmill Jack" has installed many windmills over the years and regularly travels from Queensland for extended periods to travel Country and carry out maintenance repairs on the infrastructure. He has managed to receive funding at different times. With guidance from Council in March 2015, shire officers engaged Jack to inspect the water points and provide an assessment.

Unfortunately he was unable/unwilling to follow instructions and when his vehicle broke down at Kunawarrtiji he was instructed to return to Marble Bar. He declined to do so and continued on to the border. Shire Officers (MB Works Supervisor and Manger Technical Services Rural) checked the Windmills following his return and found none to be operational even though they had been maintained by him.

Shire officers have afforded Jack the courtesy and respect that a gent of his age and experience deserves however, he has become increasingly more difficult and obstructive to get his way. He is unable or unwilling to listen and is not following instructions given to him by shire officers.

Newcrest recently employed him to do some repairs to the windmill along the Telfer Road. During this trip he continued on to the Punmu Road to carry out some repairs to Miltons Bore. He was advised not to do this work however due to the fact that Council does not own the windmill we were unable to stop him. We advised him that he needed to liaise with the Punmu Community regarding the works. He was advised not to proceed as these works were not authorised by Council staff. Jack carried out the work regardless and has invoiced Council for these works for which no Purchase order was issued. This contravenes the shire's purchasing procedures and policy. Rural Works Supervisor Mark Dhu travelled through the desert a week later and found the windmill not operational again, as it appears the wrong size bolts were used and they had worked themselves loose. This type of workmanship seems to be consistent with the standard of recent maintenance observed on the other windmills as none were operational and/or in very poor state of repair.

Staff have declined his request for payment as the works were not initiated by Council officers, nor were they approved through an authorised Council Purchase Order. Further, Council does not own the land the windmills are placed on nor do we own the infrastructure, as such there is no basis for the claim. Any payment could set a precedent for further unrequested or unauthorised invoices to be submitted.

As such the recommendation is to maintain the status quo and not take any responsibility for maintaining the existing windmills. The Kiwirrkurra Community are doing an excellent job in maintaining their hand pumps and this also provides water at the camping area at Jupiter Well. The relevant Communities will take on the responsibility and seek funding through their own organisations should any of the current non-working windmills be deemed essential.

Should Council wish to be active in repairing some of the non-working bores from a tourist or other reasons, I would suggest a further inspection by staff to establish which ones are worthy of repair/replacement and perhaps fund the capital cost as a once off subject to the engagement of the nearby communities to take ownership and responsibility to carry out ongoing inspections and repairs.

STATUTORY IMPLICATIONS/REQUIREMENTS

NIL

POLICY IMPLICATIONS

Council's Purchasing Policy and Plant Replacement Policy apply.

STRATEGIC COMMUNITY PLAN

3.1 Business Diversification and Promotion

3.1.3 Encourage Tourism – State Govt, Industry, NCCI, other relevant stakeholders

FINANCIAL IMPLICATIONS

No specific Funding has been allocated in the 2015/16 budget for these works. If considered a priority by Council, funding may be able to be sourced from relevant roadworks accounts.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/94

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchin

- 1. THAT Council advise Mr Jack Bennett that the Shire does not pay on invoices received where there has been no authorised instruction or purchase order Shire officers.**
- 2. THAT Council direct the Director Technical and Development Services to liaise with the Communities to determine interest in inspecting and maintaining some or all water bore locations near their community that are currently not working.**

**CARRIED
RECORD OF VOTE: 10 - 0**

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

13 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

13.1 CHIEF EXECUTIVE OFFICER

13.1.1 NEWMAN TOWN SQUARE - MEMORANDUM OF UNDERSTANDING WITH LANDCORP

File Ref: PLN-3-8
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer

An Interest was declared by Cr Anita Grace for Item No. 13.1.1

Nature of Interest: Financial

Extent of Interest: Business Owner situated in the Newman Town Square

An Interest was declared by Cr John Jakobson for Item No. 13.1.1

Nature of Interest: Financial

Extent of Interest: Partner is a Business Owner situated in the Newman Town Square

An Interest was declared by Cr Jay Ahmedi for Item No. 13.1.1

Nature of Interest: Financial

Extent of Interest: Business Office Manager for Newman Chamber of Commerce & Industry, Landcorp sponsor NCCI.

1:52 PM Cr Anita Grace, Cr John Jakobson & Cr Jay Ahmedi left Chambers.

PURPOSE

To authorise the signing of the Newman Town Square memorandum of understanding (MOU) between Landcorp and the Shire of East Pilbara.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/95

MOVED: Cr Michael Kitchin

SECONDED: Cr Craig Hoyer

That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/96

MOVED: Cr Michael Kitchin

SECONDED: Cr Gerry Parsons

THAT Council authorise the signing of the Memorandum of Understanding and access licence – Newman Town Centre between the Shire of East Pilbara and Landcorp.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/97

MOVED: Cr Michael Kitchin

SECONDED: Cr Craig Hoyer

THAT in accordance with Section 5.23 (1) of the Local Government Act 1995 the meeting is open to members of the public.

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

14 GENERAL BUSINESS

14.1 CULTURAL CENTRE NULLAGINE

Cr Bidy Schill spoke with Ms Linda Cooper, from Bilju, at the public meeting regarding the possibility of a Cultural Centre in Nullagine.

Mr Allen Cooper, asked Cr Bidy Schill, for Ms Linda Cooper to contact the Shire.

14.2 CAUSEWAY – NULLAGINE

Cr Bidy Schill asked is there anything that can be done to stop the children from swimming under the causeway as it is very dangerous.

Mr Rick Miller, replied he will speak with WA Main Roads regarding Cr Bidy concern.

Mr Rick Miller, Director Technical and Development Services to follow up.

14.3 DUST MONITORING NEWMAN

Cr Craig Hoyer asked is there difference in licence for dust monitoring in Newman from Port Hedland as lately the dust levels in Newman have risen.

Mr Allen Cooper, replied letters have been written to the Department of Environmental regarding the dust levels and increase in new mine site around the township, still waiting for a reply.

Mr Allen Cooper, Chief Executive Officer to follow up.

14.4 SOLAR SPEED SIGN KALGAN DRIVE

Cr Anita Grace, said the speed sign on Kalgan Drive is still not working.

Mr Rick Miller, Director Technical and Development Services to follow up.

14.5 SIGNS FOR PARKING OF TRUCKS AND CARAVANS

Cr Anita Grace asked if signs can be put up at the town centre so trucks and caravans know where they can park.

Mr Rick Miller, Director Technical and Development Services to follow up.

14.6 KALGAN DRIVE INFORMATION STOP

Cr Jay Ahmedi asked if the perspex on the information board at the entrance of Kalgan Drive can be replaced as it has be vandalised.

Mr Rick Miller, Director Technical and Development Services to follow up.

15 DATE OF NEXT MEETING

11th December 2015, Newman

16 CLOSURE

2:14 PM