

Unconfirmed copy of Minutes of  
Meeting held on 24 October 2014  
subject to confirmation at meeting to be  
held on 12 December 2014



## **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, 24 OCTOBER, 2014.

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

THE HEART  
OF THE  
PILBARA



## DISCLAIMER

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

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

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

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

## WRITTEN CONFIRMATION

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

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

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## 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:04AM and welcomed the Visitors in the public gallery.

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

### 2.1 ATTENDANCES

#### Councillors

Cr Lang Coppin OAM  
Cr Anita Grace  
Cr Gerry Parsons  
Cr Kevin Danks  
Cr Dean Hatwell  
Cr Stephen Kiernan  
Cr Bidy Schill

Deputy Shire President

#### Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Rick Miller

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

Ms Sheryl Pobrica

Executive Services Administration Officer

#### Public Gallery

Mr Edmore Masaka  
Mr Alex Seed  
Ms Megan Alchin  
Mr Tony Friday  
Ms Brenda Lai  
Mr James Battah  
Dr Melissa Stoneham  
Mr Jay Puglisi

Shire of East Pilbara  
BHP Billiton Iron Ore  
BHP Billiton Iron Ore  
Pilbara Regional Council  
Pilbara Regional Council  
Newman Club  
Public Health Advocacy Institute WA  
MWH Global

### 2.2 APOLOGIES

#### Councillor Apologies

Cr Lynne Craigie  
Cr Doug Stead  
Cr Shane Carter  
Cr Craig Hoyer

Shire President

#### Officer Apologies

Nil

### 2.3 LEAVE OF ABSENCE

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**5.1 NEWMAN CLUB UPDATE**

The Newman Club was represented by Mr James Battah, Manager, who discussed the ideas on upgrading the Newman Club for the future.

Cr Lang Coppin, thanked Mr James Battah, for his update regarding the future of the Newman Club.

**5.2 PLANNING FOR THE FUTURE SHIRE OF EAST PILBARA HEALTH PLAN**

Dr Melissa Stoneham - Deputy Director from the Public Health Advocacy Institute WA and Mr Edmore Masaka (MPH, B.Tech, MEHA) - Manager Development Services Health, Shire of East Pilbara provided Council with a presentation on the Planning for the Future for the Shire of East Pilbara.

Cr Lang Coppin, thanked Dr Melissa Stoneham on the presentation provided to Council regarding the Health Plan.

**5.3 THE DEVELOPMENT OF THE SHIRE OF EAST PILBARA'S MOSQUITO MANGEMENT PLAN**

Mr Jay Puglisi, Senior Aquatic Scientist from MWH Global provided Council with a presentation on the development of the Shire of East Pilbara's Mosquito Management Plan.

Cr Lang Coppin thanked Mr Jay Puglisi, for the interesting presentation provided to Council on mosquitos.

**5.4 PILBARA REGIONAL COUNCIL (PRC)**

Mr Tony Friday, Pilbara Regional Council, Chief Executive Officer and Ms Brenda Lai, Assets Project Manager, provided with a presentation on the PRC's FY15 Projects and advocacy works.

Cr Lang Coppin thanked Mr Tony Friday and Ms Brenda Lai for the information provided to Council regarding Pilbara Regional Council.

11:15AM Cr Dean Hatwell left Chambers.

11:17AM Cr Dean Hatwell returned to the Chambers

**5.5 BHP BILLITON IRON ORE UPDATE**

Mr Alex Seed, Superintendent Community Relations, Community and Indigenous Affairs, and Ms Megan Alchin, Community Relations Senior



Advisor, BHP Billiton Iron Ore Council provided with an update to Council on BHP Billiton affairs.

Cr Lang Coppin, thanked Mr Alex Seed and Ms Megan Alchin, for the update and thanked Alex for all the information he has provided to the Shire of East Pilbara on behalf of BHP Billiton and wished Alex and his family all the best for the future with BHP Billiton in Port Hedland in his new position.

11:35AM *Mr Alex Seed, Ms Megan Alchin, Mr James Battah, , Dr Melissa Stoneham, Mr Jay Puglisi and Mr Edmore Masaka left the Chambers.*

11:35AM *Meeting adjourned for a short break.*

11:40AM *Meeting resumed, All Councillors and staff returned to Chambers except Cr Anita Grace.*

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

### **6.1 CR DOUG STEAD – LEAVE OF ABSENCE**

Cr Doug Stead would like leave of absence for the Council meetings on the 12<sup>th</sup> December 2014 and 30<sup>th</sup> January 2015.

**COUNCIL RESOLUTION: 201415/72**

**MOVED: Gerry Parsons**

**SECONDED: Stephen Kiernan**

**THAT Cr Doug Stead is granted leave of absence for 12<sup>th</sup> December 2014 and 30<sup>th</sup> January 2015 Council meetings.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

## 7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

### 7.1 CONFIRMATION OF MINUTES

[Minutes September 26 2014 Council.docx](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/73

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT the minutes of the Ordinary Meeting of Council held on 26 September 2014, be confirmed as a true and correct record of proceedings with the following correction

- Remove Cr Doug Stead from item 2.3 Leave of Absence as he only put an apology for not attending the Council Meeting, 24<sup>th</sup> October 2014.

CARRIED

RECORD OF VOTE: 6 - 0

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

## 8 MEMBERS REPORT

### 8.1 ITEMS FOR RECOMMENDATION

### 8.2 ITEMS FOR INFORMATION

Cr Anita Grace attended:

- SOEP Audit Meeting
- Newman Women's Shelter Meeting
- Shopping Centre Visit - 11/10/14
- Opening of Stan and Ella Hilditch Statue 23/10/2014
- SOEP Workshop 23/10/2014
- Cape Keraudren visit 26/09/2014
- Chamber of Commerce and Industry meeting
- Breast Cancer Breakfast 24/10/2014

Cr Gerry Parsons attended:

- SOEP Audit Meeting
- Shopping Centre Visit - 11/10/14
- Opening of Stan and Ella Hilditch Statue 23/10/2014
- Cape Keraudren visit 26/09/2014
- Newman Neighbourhood Centre meeting Sept & Oct 2014
- Chamber of Commerce and Industry meeting
- Art and Heart Exhibition.
- AGM Future Directions Planning Meeting
- Club Development Meeting 22/10/2014
- Breast Cancer Breakfast 24/10/2014

Cr Bidy Schill attended:

- LEMC meeting Nullagine
- SOEP Workshops 23/04/2014
- Opening of Stan and Ella Hilditch Statue 23/10/2014
- Cape Keraudren visit 25-26/09/2014
- Breast Cancer Breakfast 24/10/2014

Cr Dean Hatwell attended:

- LEMC Meeting Marble Bar
- Opening of Stan and Ella Hilditch Statue 23/10/2014
- SOEP Workshops 23/10/2014
- Cape Keraudren visit 25-26/09/2014
- Breast Cancer Breakfast 24/10/2014

Cr Kevin Danks attended:

- Marble Bar Tourist Association.
- Marble Bar Race Club Meeting.
- Opening of Stan and Ella Hilditch Statue 23/10/2014
- Cape Keraudren visit 25-26/09/2014
- Breast Cancer Breakfast 24/10/2014

Cr Stephen Kiernan attended:

- Marble Bar Community Resource Centre Meeting
- Breast Cancer Breakfast 24/10/2014

Cr Lang Coppin attended:

- Opening of Stan and Ella Hilditch Statue 23/10/2014
- SOEP Workshops 23/10/2014
- Cape Keraudren visit 25-26/09/2014
- Breast Cancer Breakfast 24/10/2014

## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 CHIEF EXECUTIVE SERVICES STATUS OF COUNCIL DECISION - SEPTEMBER 2014

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

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

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

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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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: 201415/74**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Bidy Schill**

**THAT the “Status of Council Decisions” – Chief Executive Officer for September 2014 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>RESPONSIBLE OFFICER</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
26 September 2014	9.1.5	EIGHT YEAR WARD AND REPRESENTATION REVIEW	CES	UHY Haines Norton have been engaged to undertake review	April 2015
26 September 2014	13.12	CAPE KERAUDREN WORKSHOP Cr Lang Coppin requested a workshop to be held on the future of Cape Keraudren.  Mr Allen Cooper, Chief Executive Officer, to investigate options for a workshop.	CEO	Workshop 23 <sup>rd</sup> October 2014	October 2014

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

### 9.1.2 PROPOSED COUNCIL MEETING DATES 2014-2015

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

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### REPORT PURPOSE

To set the Council meeting dates, times and venues for the next twelve months for 2014-2015.

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

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

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#### 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
      - Responsible officer: DCEO
      - Timing: As appropriate
-

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/75**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Stephen Kiernan**

**THAT the dates, time and place for Ordinary Council meetings for the next twelve months for 2014-2015, as listed below, be adopted and advertised in accordance with the *Local Government (Administration) Regulations 1996 s12(1)(a)*.**

MEETING DATE	VENUE	COMMENCEMENT TIME
12 <sup>th</sup> December 2014	Newman	10:00am
30 <sup>th</sup> January 2015	Newman	10:00am
6 <sup>th</sup> March 2015	Marble Bar	10:00am
24 <sup>th</sup> April 2015	Newman	10:00am
22 <sup>nd</sup> May 2015	Newman	10:00am
26 <sup>th</sup> June 2015	Nullagine	10:00am
24 <sup>th</sup> July 2015	Newman	10:00am
28 <sup>th</sup> August 2015	Newman	10:00am
25 <sup>th</sup> September 2015	Marble Bar	10:00am
23 <sup>rd</sup> October 2015	Newman	10:00am

**CARRIED  
RECORD OF VOTE: 6 - 0**

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



**9.1.3 COUNCILLORS MONTHLY MEET AND GREET AT THE NEWMAN  
BOULEVARDE SHOPPING CENTRE 2014-2015**

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

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**REPORT PURPOSE**

To set the dates for the Councillors monthly meet and greet at the Newman Boulevardde Shopping Centre from December 2014 until October 2015.

**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 Boulevardde 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

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**Objective**

In addition to the dress standard for Council Chambers (Item No: 9.1.13 dated 27<sup>th</sup> 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.

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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**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Dean Hatwell**

**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 and Shire website.**

DAY	TIME	DATE
Saturday	10am – 12pm	6 <sup>th</sup> December 2014
Saturday	10am – 12pm	14 <sup>th</sup> February 2015
Saturday	10am – 12pm	14 <sup>th</sup> March 2015
Saturday	10am – 12pm	11 <sup>th</sup> April 2015
Saturday	10am – 12pm	9 <sup>th</sup> May 2015
Saturday	10am – 12pm	13 <sup>th</sup> June 2015
Saturday	10am – 12pm	11 <sup>th</sup> July 2015
Saturday	10am – 12pm	15 <sup>th</sup> August 2015
Saturday	10am – 12pm	12 <sup>th</sup> September 2015
Saturday	10am – 12pm	10 <sup>th</sup> October 2015

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

#### 9.1.4 FINAL REPORT FROM INQUIRY INTO THE DEVELOPMENT OF NORTHERN AUSTRALIA – PIVOT NORTH

**File Ref:** ORG-4-4-1  
**Attachments:** [Provided on Thumb Drive](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To bring to the attention of Council the recent Final Report arising from the Inquiry into the Development of Northern Australia.

#### BACKGROUND

In late 2013, the Joint Select Committee on Northern Australia commenced an inquiry into the development of Northern Australia. The Committee was tasked with the important role of helping to define the future of Australia's North – a region vital to the economic future of the nation.

The Committee invited interested persons and organisations to make submissions addressing the terms of reference. Cr Craigie and the Chief Executive Officer presented to the Committee on behalf of the Shire of East Pilbara.

The Committee tabled their final report on 4 September 2014. The Final Report has been provided to you on a thumb drive. Or it can be downloaded from the Parliament of Australia website at

[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Northern\\_Australia/Inquiry\\_into\\_the\\_Development\\_of\\_Northern\\_Australia/Tabled\\_Reports](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/Inquiry_into_the_Development_of_Northern_Australia/Tabled_Reports).

The report is focused on identifying the opportunities for, and impediments to, the economic development of Northern Australia. The report draws attention to the projects which have been identified in the evidence presented, highlighting priority actions for government through recommendations.

#### COMMENTS/OPTIONS/DISCUSSIONS

The Committee has highlighted seven priority recommendations which are essential to assist with the development of Northern Australia. Of particular importance to the Pilbara/Kimberley/WA are the following recommendations:

**Recommendation 2**

- **The Committee recommends that the Australian government identify key roads and commit to funding their upgrade as a matter of priority. Projects to consider include...Tanami Road (Kimberley) and Outback Way (east-west access).**
- NOTE: there was no specific mention of the Marble Bar Road being considered as an upgrade.

**Recommendation 4**

- **The Committee recommends that the Australian Government give priority to the development and funding of water resource proposals. Projects to consider could include...use of groundwater for expanding horticulture.**
- Of particular importance to the Pilbara and this Shire. Note Council's Paper on agriculture in the Pilbara – "Pilbara Food Bowl Summary Paper."

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/76**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Gerry Parsons**

**THAT Council note the Final Report – 'Pivot North' - from the Inquiry into the Development of Northern Australia.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

### 9.1.5 MUNICIPAL SERVICES IN ABORIGINAL COMMUNITIES

<b>File Ref:</b>	<b>ABA-6-1</b>
<b>Attachments:</b>	<a href="#">Terms of Reference Local Government Planning Committee on Municipal</a>
<b>Responsible Officer:</b>	<b>Mr Allen Cooper</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Kylie Bergmann</b> <b>Coordinator Executive Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To provide Council with an update on the State Government's negotiations with the Commonwealth concerning future arrangements for the provision of services in Aboriginal communities.

### BACKGROUND

For some time now, the State Government has been in negotiation with the Commonwealth, to hand over responsibility for the provision of services in Aboriginal communities. The Commonwealth has made it clear, that it intends to withdraw from current municipal service funding arrangements from 1 July 2015.

Recently, the Commonwealth offered a one-off payment of \$90M in exchange for the State taking over responsibility for the provision of municipal and essential services in Aboriginal communities. The State has indicated that its acceptance of these funds would be on the condition that it can continue to engage with the Commonwealth on the future of Indigenous support services, including MUNS, and ongoing funding to achieve sustainable reforms.

Whilst this issue is in a state of flux, the proposed State Investment Strategy for remote communities would appear to provide the best platform for wider changes. The focus in the short term is on achieving a clear State policy position. If the Strategy proceeds, then the State will need to commence consultation with all stakeholders, including local governments, as soon as possible.

### COMMENTS/OPTIONS/DISCUSSIONS

On 19 September 2014, the Chief Executive Officer (CEO) received an email from the Department of Local Government and Communities proposing to convene the **Local Government Planning Committee on Municipal Service Implementation**. Draft terms of reference were drafted, and are **attached** for your review. Council has been requested to endorse the terms of reference and to nominate a representative to sit on the planning committee.

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Council should be mindful that the Commonwealth intends to withdraw from current municipal service funding arrangements from 1 July 2015. This is less than 9 months away and unfortunately, not a lot has been decided despite continued discussions with the State Government. The nomination was to be provided by the 26<sup>th</sup> September 2014 however, due to the short time frame, the Chief Executive Officer, Mr Allen Cooper, was nominated as Council's representative for the Local Government Planning Committee on Municipal Service Implementation.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

### **POLICY IMPLICATIONS**

#### **8.4 ABORIGINAL AFFAIRS POLICY**

##### **Principles**

The Shire of East Pilbara supports harmony with Aboriginal and Torres Strait Islander people so as to:

1. create a better understanding in the general community of Aboriginal and Torres Strait Islander history and culture
2. improve co-ordination and cooperation between the three spheres of government and recognised Aboriginal Community Organisations to assist in the development of Aboriginal and Torres Strait Islander People aspirations

The Shire of East Pilbara has a commitment to assist Federal and State Governments and recognised Aboriginal Community Organisations to identify and minimise any inefficiency or duplication, which might occur in the delivery of services and programs.

##### **Policy**

1. Within the existing framework of Government and via the democratic process Local Government is recognised as the appropriate mechanism whereby Aboriginal and Torres Strait Islander people can have greater input into the control and management of their communities and affairs so as to promote Aboriginal culture, social and economic aspirations.
2. The Shire of East Pilbara recognises the benefits of cooperation with all levels of Government and recognised Aboriginal Community Organisations in the planning and delivery of programs and services for Aboriginal and Torres Strait Islander people.
3. The Shire of East Pilbara supports initiatives which enable Aboriginal and Torres Strait Islander participation and input in Council activities and processes at a level equal to that of other residents.
4. The Shire of East Pilbara supports activities that promote goodwill between people within the Shire.



### **Rateability**

The Shire of East Pilbara supports changes to the *Local Government Act 1995* and any other legislation that allows for the rating of Aboriginal communities living on Aboriginal Lands Trust, other Special Purpose leases or previously non rateable Aboriginal lands.

### **Infrastructure and Services**

1. The Shire of East Pilbara believes that in partnership with Federal and State Governments and Aboriginal and Torres Strait Islander people it is best placed to assist in the planning for appropriate social, physical and economic infrastructure for Aboriginal Communities.
2. The Federal and State Governments and Aboriginal Communities should resource the Shire of East Pilbara where the establishment and maintenance of Aboriginal specific services utilise Council's resources.
3. The Shire of East Pilbara supports initiatives which enable the delivery of municipal services to Aboriginal communities and non-rateable land, including:
  - i. options such as ex gratia payments in lieu of rates
  - ii. payments for specific services
  - iii. assisting communities to attract funding which allow Council to deliver a more effective service

### **Planning**

1. The Shire of East Pilbara recognises the rights of Aboriginal community groups to develop and use their land as they desire, within the constraints of land tenure and Local Government planning schemes and processes.
2. The Shire of East Pilbara supports the development of site assessment procedures, in negotiation with Aboriginal and Torres Strait Islander people, for the identification of areas likely to be protected under the *Aboriginal Heritage Act 1972*, to enable mineral and other forms of development to proceed in the Shire.
3. The Shire of East Pilbara supports the development of local consultative mechanisms, where appropriate, to ensure that Aborigines and Torres Strait Islanders, as with other local interest groups, are included in local planning processes.

### **Training of Staff and Councillors**

The Shire of East Pilbara recognises the importance of cross cultural training for staff and elected members to develop skills and knowledge which enable Local Government to more effectively understand the needs of Aboriginal and Torres Strait Islander people.

It is Council policy that all staff should attend cultural awareness training when it is available in their local area.

### **Aboriginal Employment and Training**

The Shire of East Pilbara has a role in stimulating and promoting the employment and training of Aboriginal and Torres Strait Islander people by:

1. identifying Council positions where Aboriginality is an occupational advantage as allowed for under Section 50 (d) of the *Equal Opportunity Act 1984*
2. supporting involvement in employment training programs for Aboriginal and Torres Strait Islander people
3. ensuring Aboriginal Organisations have equal access to tendering for contracts for the delivery of local services
4. supporting Aboriginal organisations that aim to help to develop and implement local employment programs

### **Housing and Health**

1. The Shire of East Pilbara recognises the right of all people to affordable and secure housing, and supports initiatives that aim to meet the housing needs of Aboriginal people.
2. The Shire of East Pilbara supports institutions and voluntary groups working to improve the health and welfare of Aboriginal people.
3. The Shire of East Pilbara supports Aboriginal communities and health workers within their districts by:
  - i. assisting in providing advice on the maintenance of a safe water supply, sewerage and rubbish disposal systems
  - ii. ensuring Commonwealth and State bodies meet their obligations under the *Health Act 1911*
4. The Shire of East Pilbara should be adequately resourced by Federal and State Governments to assist in Aboriginal environmental health issues.

### **Culture & Heritage**

1. The Shire of East Pilbara encourages Aboriginal people to develop cultural activities, and participate fully in general community activities.
2. The Shire of East Pilbara encourages the promotion of local Aboriginal history, heritage and culture in consultation with Aboriginal and Torres Strait Islander people.

### **Promotion of Local Government**

The Shire of East Pilbara supports initiatives that provide education for Aboriginal and Torres Strait Islander people and other community members on the role of Council and electoral procedures and encourages participation in elections as voters and candidates.

**Inter-Governmental**

1. The Shire of East Pilbara supports a partnership between the Federal, State and Local Governments, in the planning and delivery of services and programs to Aboriginal and Torres Strait Islander people at the local level.
2. The Shire of East Pilbara believes it should be adequately resourced by the State and Commonwealth to develop improved working relationships with Aboriginal and Torres Strait Islander people.

The Shire of East Pilbara supports the inclusion of the ALGA and the WALGA in relevant inter-governmental Aboriginal affairs decision-making bodies.

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

- 3.3 Provide adequate community infrastructure
  - 3.3.1 Ensure well managed and equitable provision of community infrastructure  
Responsible officer: MBA  
Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

No financial resource impact at this stage but of course, local governments will be responsible for providing services in Aboriginal communities, with the help of the State Government, after 1 July 2015.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/77**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Stephen Kiernan**

**THAT Council**

- 1. Note the current situation regarding the State Government's negotiations with the Commonwealth concerning the future arrangements for the provision of services in Aboriginal communities.**
- 2. Note the Terms of Reference for the Local Government Planning Committee on Municipal Service Implementation.**
- 3. Support the nomination of Mr Allen Cooper, Chief Executive Officer, as Council's representative on the Local Government Planning Committee on Municipal Service Implementation.**

**CARRIED  
RECORD OF VOTE:6 - 0**

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

**9.1.6 PILBARA HINTERLAND AGRICULTURAL DEVELOPMENT INITIATIVE  
(PHADI)**

**File Ref:** STR-9-5  
**Attachments:** [Pilbara Food Bowl Sep2014 pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to endorse the 'Pilbara Food Bowl Summary Paper.'

**BACKGROUND**

The Shire of East Pilbara has been provided with an immense opportunity to develop vast tracts of irrigated agriculture.

Through the support of the State Government (via the Pilbara Hinterland Agricultural Development Initiative) (PHADI), the Shire of East Pilbara has two precincts nominated under the State Planning Strategy for Newman and Marble Bar as locations potentially suitable for irrigated agriculture.

**COMMENTS/OPTIONS/DISCUSSIONS**

In September 2014, Neil Noelker, a consultant for the Shire of East Pilbara, produced the 'Pilbara Food Bowl Summary Paper.' A copy is **attached** for your reference.

The paper summarises the Pilbara Hinterland Agricultural Development Initiative (PHADI) of the State Government, with specific reference to:

- Untapped water resources in the Pilbara;
- Policy support for irrigated agriculture in the Shire of East Pilbara;
- Compelling motives to broaden agriculture in the Pilbara;
- Estimated economic benefits of irrigated agriculture to the Shire of East Pilbara;
- Broader community and social benefits of irrigated agriculture to the Shire of East Pilbara;
- Constraints of the project; and
- The next steps.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

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## **POLICY IMPLICATIONS**

Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Goal 3 – Economic – Planned Actions**

- 3.4.2 Plan well for the future development of the Shire  
Responsible officer: CEO  
Timing: 1-5 years

### **Goal 4 – Environmental – Planned Actions**

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

- 4.2 Promote a sustainable environment
- 4.2.2 Promote improved water management  
Responsible officer: DTDS  
Timing: 1-3 years

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

- 3.1 Business diversification and promotion
- 3.1.2 Build a thriving and diverse economy  
Responsible officer: DCEO  
Timing: 1-5 years

## **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

## **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/78

MOVED: Cr Stephen Kiernan

SECONDED: Cr Gerry Parsons

THAT Council:

1. Endorse the 'Pilbara Food Bowl Summary Paper'; and
2. Use the 'Pilbara Food Bowl Summary Paper' as a lobbying tool for developing irrigated agriculture in the Pilbara.

CARRIED  
RECORD OF VOTE: 6 - 0

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

### 9.1.7 PILBARA REGIONAL COUNCIL – FLY-IN-FLY-OUT (FIFO) POLICY POSITION

<b>File Ref:</b>	<b>ORG-4-6-2</b>
<b>Responsible Officer:</b>	<b>Mr Allen Cooper Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Kylie Bergmann Coordinator Executive Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

To seek Council's feedback on the Pilbara Regional Council's (PRC) proposed FIFO Policy Position.

#### BACKGROUND

Recently, Cr Lynne Craigie and CEO of the PRC, Anthony Friday, met with Ministers Simpson and Redman, seeking to present and promote the PRC's position with regard to the approval of Transient Workforce Accommodation (TWA) facilities for resource companies in the region.

The PRC has drafted a regional policy position on the accommodation of FIFO workforces, drawing on work previously conducted for the Joint Standing Committee into FIFO Work Practices, and on conversations with the Joint Standing Committee Inquiry into the Development of Northern Australia.

The intent of this policy is to more actively lobby the State Government, seeking to influence them to draft and adopt a policy position that aligns with a PRC and Federal position. Minister Redman's office has indicated a willingness to explore a State policy position on TWA, and the PRC has sought representation on any working party formed to consider this position.

#### COMMENTS/OPTIONS/DISCUSSIONS

The PRC FIFO Policy Position is reprinted below:

"The Pilbara Regional Council:

1. recognises and acknowledges that fly-in-fly-out work practices are considered a valuable instrument as the resources industry seeks to maximise returns for shareholders;
2. note that fly-in-fly-out work practices may be either fully integrated or entirely segregated from host communities;



3. asserts that fly-in-fly-out workforces that are integrated within host communities contribute to the development of sustainable host communities, and preserve the mental health and wellbeing of the fly-in-fly-out workforce;
4. asserts that fly-in-fly-out workforces that are (wholly or partly) segregated from host communities do not properly contribute to the economic and social fabric of host communities, and damage the mental health and wellbeing of the fly-in-fly-out workforce;
5. rejects disingenuous arguments that segregated fly-in-fly-out workforce decisions are made in the interests of workforce safety considerations, noting that many metropolitan staff of resource companies travel considerably larger distances to and from work without undue risk;
6. states that any current or proposed fly-in-fly-out workforces located within 60km proximity of an established population centre should be co-located and fully integrated within that population centre.”

With the next Ordinary PRC meeting not until early December, the CEO of the PRC has asked that Council provide their feedback as soon as possible so as not to sacrifice the lobbying period between now and early December.

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

Nil.

#### **POLICY IMPLICATIONS**

Council does not have a formal policy on the fly-in-fly-out approach.

#### **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**

**THAT Council suggest the following amendments to the Pilbara Regional Council's proposed FIFO Policy:**

**"The Pilbara Regional Council:**

- 1. recognises and acknowledges that fly-in-fly-out work practices are considered an instrument to support the development of the resources industry;**
- 2. note that fly-in-fly-out work practices may be either fully integrated or entirely segregated from host communities;**
- 3. asserts that fly-in-fly-out workforces that are integrated within host communities contribute to the development of sustainable host communities;**
- 4. asserts that fly-in-fly-out workforces that are (wholly or partly) segregated from host communities do not properly contribute to the economic and social fabric of host communities;**
- 5. rejects disingenuous arguments that segregated fly-in-fly-out workforce decisions are made in the interests of workforce safety considerations, noting that many metropolitan staff of resource companies travel considerably larger distances to and from work without undue risk;**
- 6. states that any current or proposed fly-in-fly-out workforces located within 60km proximity of an established population centre should be co-located and fully integrated within that population centre;**
- 7. preferred option is a fully residential workforce where the place of work is within 60km of an established population centre."**

**COUNCIL RESOLUTION: 201415/79**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Gerry Parsons**

**THAT Council suggest the following amendments to the Pilbara Regional Council's proposed FIFO Policy:**

**"The Pilbara Regional Council:**

- 1. recognises and acknowledges that fly-in-fly-out work practices are considered an instrument to support the development of the resources industry;**
- 2. note that fly-in-fly-out work practices may be either fully integrated or entirely segregated from host communities;**
- 3. asserts that fly-in-fly-out workforces that are integrated within host communities contribute to the development of sustainable host communities;**
- 4. asserts that fly-in-fly-out workforces that are (wholly or partly) segregated from host communities do not properly contribute to the economic and social fabric of host communities;**
- 5. rejects disingenuous arguments that segregated fly-in-fly-out workforce decisions are made in the interests of workforce safety considerations, noting that many metropolitan staff of resource companies travel considerably larger distances to and from work without undue risk;**
- 6. states that any proposed fly-in-fly-out workforces located within 60km proximity of an established population centre should be co-located and fully integrated within that population centre;**
- 7. preferred option is a fully residential workforce where the place of work is within 60km of an established population centre."**

**CARRIED  
RECORD OF VOTE: 6- 0**

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

**Reason for Non Acceptance of Officer's Recommendation:**

**Council removed the words current or in No: 6 recommendation.**

- 6. States that any ~~current or~~ proposed fly-in-fly-out workforces located within 60km proximity of an established population centre should be co-located and fully integrated within that population centre;**

**9.1.8 AFFIXING COMMON SEAL TO DEED OF INDEMNIFICATION: LOT 22  
NEWMAN DRIVE, NEWMAN**

**File Ref:** A700825  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Deed of Indemnification for Lot 22 Newman Drive, Newman between the Shire of East Pilbara (Shire) and the Pilbara Property Group Pty Ltd (Owner).

**BACKGROUND**

The Owner applied to the Shire for planning approval for the construction of an illuminated/LED sign, a portion of which will encroach onto the Newman Drive Road Reserve.

The Shire approved the Owner's application on 24 December 2013, subject to various conditions, one of which is entering into a deed of agreement for the use of a portion of the Newman Drive Road Reserve.

**COMMENTS/OPTIONS/DISCUSSIONS**

McLeod's Barristers and Solicitors have prepared a Deed of Indemnification for Council's execution, in accordance with the conditions set out above.

The deeds were signed by Mr Allen Cooper, Chief Executive Officer, and Cr Lynne Craigie, Shire President, on behalf of Council. The Shire seal has also been affixed to the deeds.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

## POLICY IMPLICATIONS

### 4.5 EXECUTION OF DOCUMENTS (POLICY MANUAL)

Minute No: Item 9.1.3  
Date: 27<sup>th</sup> June 2013

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#### Objective

To allow for the proper execution of documents.

#### Policy

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

### 4.6 EXECUTION OF DOCUMENTS (DELEGATIONS MANUAL)

Delegation From: Council  
Delegation To: Chief Executive Officer

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#### Delegation

To delegate that the Chief Executive Officer be authorised to sign documents on behalf of the local government.

#### Statutory power being delegated

S9.49A(4) *Local Government Act 1995*

#### Conditions attached to delegation

The Chief Executive Officer may only sign documents where:

- The Council has authorised entering into a formal contract; or
- The Chief Executive Officer considers a formal contract is required as a part of the day to day operation of the Council; or
- A formal contract is authorised under a delegated authority of the Council.

The Chief Executive Officer has no power to sub-delegate the authority to sign documents on behalf of the local government (s5.43(ha) of the Act).

## 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 existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/80**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Gerry Parsons**

**THAT Council acknowledges and approves that the Common Seal has been affixed, under delegated authority, to the Deed of Indemnification for Lot 22 Newman Drive, Newman between the Shire of East Pilbara and the Pilbara Property Group Pty Ltd.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

**9.1.9 AFFIXING COMMON SEAL TO LAND EXCHANGE DEED - LOT 23 (NO.77)  
NEWMAN DRIVE, NEWMAN**

**File Ref:** A409750  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** Newman Drive, Newman  
**Name of Applicant:** N/A

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Land Exchange Deed for Lot 23 (No.77) Newman Drive, Newman between the Shire of East Pilbara and Stephen Grace Pty Ltd (Seasons Hotel).

**BACKGROUND**

At the Council meeting held on 31 January 2014, Council considered a proposed land swap with the Seasons Hotel for the creation of Iron Ore Parade, through Boomerang Oval.

At that meeting, Council resolved:

***“THAT Council:***

- 1. Advises the Department of Lands that it supports and consents to the proposed land swap...”***

**COMMENTS/OPTIONS/DISCUSSIONS**

Following Council’s resolution, McLeods Barristers & Solicitors have drawn up a Land Exchange Deed for Council’s execution.

The Deeds have been signed by Mr Allen Cooper, Chief Executive Officer, and Cr Lynne Craigie, Shire President, on behalf of the Council. The Shire seal has also been affixed to the Deeds.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS (POLICY MANUAL)**

**Minute No:** Item 9.1.3

**Date:** 27<sup>th</sup> June 2013

**Objective**

To allow for the proper execution of documents.

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**Policy**

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

**4.6 Execution of Documents (Delegations Manual)**

**Delegation From: Council**

**Delegation To: Chief Executive Officer**

**Delegation**

To delegate that the Chief Executive Officer be authorised to sign documents on behalf of the local government.

**Statutory power being delegated**

S9.49A(4) *Local Government Act 1995*

**Conditions attached to delegation**

The Chief Executive Officer may only sign documents where:

- The Council has authorised entering into a formal contract; or
- The Chief Executive Officer considers a formal contract is required as a part of the day to day operation of the Council; or
- A formal contract is authorised under a delegated authority of the Council.

The Chief Executive Officer has no power to sub-delegate the authority to sign documents on behalf of the local government (s5.43(ha) of the Act).

**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 existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.



**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/81**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Gerry Parsons**

**THAT Council acknowledges and approves that the Common Seal has been affixed, under delegated authority, to the Land Exchange Deed – Lot 23 (No. 77) Newman Drive, Newman – between the Shire of East Pilbara and Stephen Grace Pty Ltd (Seasons Hotel).**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

**9.1.10 AFFIXING COMMON SEAL TO WITHDRAWAL OF CAVEAT – LOT 23  
(NO. 77) NEWMAN DRIVE, NEWMAN**

**File Ref:** A409744  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr David Evrett  
Manager Development Services - Building  
**Location/Address:** Lot 23 (No.77) Newman Drive, Newman  
**Name of Applicant:** McLeods Barristers and Solicitors  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to a Withdrawal Of Caveat for Road Widening Deed for Lot 23 (No.77) Newman Drive, Newman between the Shire of East Pilbara and Stephen Grace Pty Ltd.

**BACKGROUND**

At the Council meeting held on 31 January 2014, Council considered a proposed land swap with Stephen Grace Pty Ltd for the creation of Iron Ore Parade, through Boomerang oval.

At that meeting Council resolved:

***“THAT Council:***

- 1. Advises the Department of Lands that it supports and consents to the proposed land swap...”***

A Caveat had been placed on the title of the subject land and needs to be removed to enable the land swap to proceed.

**COMMENTS/OPTIONS/DISCUSSIONS**

A Withdrawal of Caveat form was prepared by McLeods Barristers and Solicitors and it has been signed by Mr Allen Cooper, Chief Executive Officer and Cr Anita Grace on behalf of the Shire. The Shire seal has also been affixed to the document.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

**Date:** 27<sup>th</sup> June 2013

**Objective**

To allow for the proper execution of documents.

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**Policy**

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

**4.6 Execution of Documents (Delegations Manual)**

**Delegation From: Council**

**Delegation To: Chief Executive Officer**

**Delegation**

To delegate that the Chief Executive Officer be authorised to sign documents on behalf of the local government.

**Statutory power being delegated**

S9.49A(4) *Local Government Act 1995*

**Conditions attached to delegation**

The Chief Executive Officer may only sign documents where:

- The Council has authorised entering into a formal contract; or
- The Chief Executive Officer considers a formal contract is required as a part of the day to day operation of the Council; or
- A formal contract is authorised under a delegated authority of the Council.

The Chief Executive Officer has no power to sub-delegate the authority to sign documents on behalf of the local government (s5.43(ha) of the Act).

**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: 201415/82**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Gerry Parsons**

**THAT Council acknowledges and approves that the Common Seal has been affixed, under delegated authority, to the Withdrawal of Caveat form for Lot 23 (No. 77) Newman Drive, Newman.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

***To be actioned by Mr David Everett, Manager Development Services – Building.***

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION -  
SEPTEMBER 2014**

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

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

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

**POLICY IMPLICATIONS**

Nil

**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: 201415/83**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Bidy Schill**

**THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for September 2014 be received.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
23 August 2013	13.5	CIVIC CENTRE – MARBLE BAR Cr Stephen Kiernan asked if the flooring can be repaired or replaced due to wear and tear. Also the window could be tinted and lights checked. Manager Building Assets to follow up	MBA	The Floor will be completed by Monday 20 <sup>th</sup> October 2014. Contractors are aiming to be completed by Friday 17 <sup>th</sup> October 2014.	November 2014
6 December 2013	13.11	CAPE KERAUDREN Cr Lang Coppin asked about the running and managing cost for Cape Keraudren. Deputy Chief Executive Officer replied a report was currently being undertaken by the Manager Building Assets.	DCEO	Workshop to be 23 <sup>rd</sup> October 2014.	June 2015
14 March 2014	9.2.20	MARBLE BAR RESERVE 2906 – CONSIDERATION OF GAUGING CABLEWAY (FLYING FOX)	MAP	In this agenda	October 2014
24 April 2014	13.3	LANDSCAPING MINDARRA DRIVE Cr Shane Carter said the landscaping is starting to look good, is it possible to meet with the Newman Club to discuss their intentions. Deputy Chief Executive Officer to follow up.	DCEO	Attending this meeting.	October 2014
27 <sup>th</sup> June 2014	13.8	NULLAGINE NEW TOILET BLOCK AND SEATING Cr Bidy Schill said thank you for the new toilet block and seating area in Nullagine, installed through the Pilbara Regional Council but she had a concern as there is no hand basin, no water supply, no lighting, and no toilet roll holders is it possible to get these installed. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Toilet roll holders have arrived and will be installed as soon as a contractor is going that way.	October 2014
22 August 2014	13.10	CIVIC CENTRE – MARBLE BAR Cr Dean Hatwell said the power at the Civic Centre is tripping out constantly and requires looking at as	DCEO	Marble Bar Electrical have only confirmed the problem and to date no solution.	November 2014

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		there was an event which the people plugged in two toasters tripping out the power. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.			
22 August 2014	13.15	<b>FORTESCUE FESTIVAL</b> Cr Lynne Craigie asked can we establish a working group to help the Lions Club to review the activities and events for the Fortescue Festival. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	External stakeholder meeting held on 13 <sup>th</sup> October 2014.	October 2014
26 September 2014	13.4	<b>NEWMAN AQUATIC STAFF</b> Cr Shane Carter asked if Council could commend the Newman Aquatic Centre staff on a great job they are doing at the pool. Ms Sian Appleton, Deputy Chief Executive Officer, to follow up.	DCEO	Completed	September 2014
26 September 2014	13.7	<b>GALLOP HALL FURNITURE &amp; EQUIPMENT</b> Cr Bidy Schill asked if we can do an inventory of Gallop Hall furniture and equipment and then order anything needed so the hall can be used. Ms Sian Appleton, Deputy Chief Executive Officer, to follow up.	DCEO	Inventory to be completed by CBS. New equipment will be ordered as necessary.	January 2015
26 September 2014	13.9	<b>PROSPECTUS REVIEW</b> Cr Dean Hatwell asked if we can produce a review of the ProspectUs documents. Ms Sian Appleton, Deputy Chief Executive Officer, to follow up.	DCEO	In Information Bulletin	Will be completed six monthly



## 9.2.2 AUDIT COMMITTEE REPORT 9<sup>TH</sup> OCTOBER 2014

<b>File Ref:</b>	<b>FIN-21-1</b>
<b>Attachments:</b>	<a href="#">Draft Annual Financial Statements 2013/14 (as June 2014 Report)</a> <a href="#">Audit Committee Minutes 09 October 2014</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Michael Giles</b> <b>Manager Corporate Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

### BACKGROUND

The Audit Committee met on the 9<sup>th</sup> October 2014 and the minutes of that meeting are attached.

### COMMENTS/OPTIONS/DISCUSSIONS

#### Role of the Audit Committee

As a requirement of the Local Government Act the Audit Committee was formed: -

*“...to provide an independent oversight of the financial systems of the local government on behalf of the Council. As such, the committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government’s financial reporting and audit responsibilities...”*

Two items were discussed: -

- Draft Annual Financial Statements 2013/14 – a concise set of statements, namely the June 2014 Monthly Report, as attached.
- Risk Management, Legislative Compliance and Internal Controls Review Report provided to Council by RSM Bird Cameron, which is discussed in another Report to Council at this Meeting.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Committee minutes.

### POLICY IMPLICATIONS

Refer to attached Committee minutes.

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## 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

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/84**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Bidy Schill**

**THAT Council**

- 1. Receive the Audit Committee Minutes dated 9<sup>th</sup> October 2014;**
- 2. Nominate Cr Lynne Craigie and Cr Craig Hoyer as a proxy to the Audit Committee.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

***To be actioned by Mr Michael Giles, Manager Corporate Services.***

**9.2.3 PIRI SMITH RETIREMENT UNITS, MARBLE BAR- JACK BENNETT  
REQUESTED FOR SUBSIDIES RENT**

**Attachments:** [Jack Bennet Request for reduced rent pdf.](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services  
**Location/Address:** N/A  
**Name of Applicant:** Jack Bennett  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To consider Mr Jack Bennet's request for subsidised rent at Piri Smith Retirement Units whilst returning to Queensland for approximately 6 months.

**BACKGROUND**

At the Council Meeting held on the 26<sup>th</sup> September 2014 in Marble Bar, Mr Jack Bennett addressed Council regarding his accommodation at the Piri Smith Retirement Units and submitted a request for subsidised rent whilst returning to Queensland for approximately 6 months.

Mr Bennett has been a tenant at the Piri Smith Retirement Units since 13<sup>th</sup> August 2009.

Mr Bennett has submitted a letter (copy attached) to the Council addressing the reasons he needs to return to Queensland and would not be looking at returning until April of 2015.

A summary of the cost to Mr Bennett to retain his unit at Piri Smith Retirement Units whilst returning to Queensland for a 6 month period is;

6 months rental @ \$75.00 per week	\$1800.00	
Additional costs – Water	\$ 80.00	
Additional costs – Power	\$	If items left on in unit
Total amount for 6 month period	\$1880.00	

Other tenants of the Piri Smith Retirement Units have at all times paid the full rental amount as per Council's Fees and Charges whilst leaving town to attend for medical treatment, family issues or going on holidays.

**COMMENTS/OPTIONS/DISCUSSIONS**

Centrelink payment tenants are paying the following for housing:

Single Person	\$103.99 per week
Double Person	\$155.75 per week

With respect to the Piri Smith unit charges, rent is as adopted in the 2014-15 Fees and Charge. There was a review of the rental fees and charges for Piri Smit Retirement Units last year which is attached below. This suggests that Shire of East Pilbara is providing tenants with housing at a rent below Department of Housing.

<b>Rent Review for 2014-15</b>	
<b>Piri Smith Retirement Units</b>	
Dept of Housing	Tenants occupying Department Housing will pay 25% gross household assessable income as rent
Centrelink	
	Single -The maximum basic rate for pensioner is \$751.70, max pension supplement \$61.70 and Clean Energy Supplement being \$13.20
	Total for a single pensioner per fortnight is \$827.10
	Double -The maximum basic rate for pensioner is \$1133.20, max pension supplement \$93.00 and Clean Energy Supplement being \$20.60
	Total for a single pensioner per fortnight is \$1246.00
<b>Therefore, the following would apply if tenant was in a Department of House facility</b>	
Single Payment	\$827.10 per fortnight
Single Rent	\$103.39 per week or \$206.78 per fortnight
	The above does not included utilities
Double Payment	\$1246.80 per fortnight
Double Rent	\$155.75 per week or \$311.50 per fortnight
	The above does not include utilities
Currently PSRU Tenants are paying the following	
Rent	Single or Double \$65.00 per week
	The above does not include utilities
<b>Recommendation for 2014-15 Budget</b>	
Rent	
Single	\$75.00 per week
Double	\$100.00 per week

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

### 2.13 HOUSING TENANCY AGREEMENTS

#### 6.1 PIRI SMITH RETIREMENT UNITS – MARBLE BAR

### **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**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple

### **OFFICER'S RECOMMENDATION**

**THAT Council decline the request from Mr Jack Bennett seeking reduced rent whilst away in Queensland for approximately 6 months until April 2015.**

**COUNCIL RESOLUTION: 201415/85**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Biddy Schill**

**THAT Council accept the request from Mr Jack Bennett seeking reduced rent whilst away in Queensland for a maximum of 6 months until April 2015.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

**Reason for Non Acceptance of Officer’s Recommendation:  
Council felt that consideration should be given to the request because of the work Mr Jack Bennett undertakes in the district.**

**9.2.4 CHANGE IN METHOD OF VALUATION - CHICHESTER METALS PTY LTD  
(KARNTAMA VILLAGE)**

**File Ref:** A3005660  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Michael Giles  
Manager Corporate Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider making application to the Minister for Local Government to change the method of valuation from Unimproved Value to Gross Rental Value for the portion of Exploration Licence No. E46/566 containing Karntama Accommodation Village.

**BACKGROUND**

Pursuant to Circular No. 29-2011, the Minister for Local Government has approved the implementation and trial of a policy on the application of Gross Rental Valuation (GRV) for mining, petroleum and resource interests. GRV will apply to relevant interests and resource interests only in respect of particular improvements including accommodation, recreation and administration facilities, associated buildings and maintenance workshops. High value operational and processing plant will be excluded from the GRV calculation.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Policy will apply for a trial period of three years from 1 July 2012 to 30 June 2015. The Minister, of the time, encouraged local governments to consider the use of GRV for these mining interests to ensure that they are maximising their rating opportunities. However, Council should consider any proposal for change before it is presented to the Minister for a decision.

Karntama Village is owned by Chichester Minerals on an Exploration Licence. The village provides accommodation for up to 1,600 people, and the approximate annual rate levy, provided by the Valuer General, on a gross rental valuation of \$9.9m, would be \$325,000. The current rating status of A3005660 is that a rate was levied on the basis of an unimproved valuation of \$67,758 at 15.5751c/\$ equalling \$10,553.38.

In comparison, examples of camps currently using this method of valuation: -

Assess. No.	Owner	Camp	Beds	GRV \$/Yr	Rate \$/Yr	\$/Bed/Yr
A700821	Rio Tinto	West Angelas	1,526	6,741,980	220,335	144
A700822	BHPB	Area C	1,281	5,180,864	169,316	132
A700823	Hamersley	Yandicoogina	1,054	6,280,040	205,238	194
A700824	BHPB	Yandi	930	4,208,360	137,533	147
A3005660	Chichester	Karntama	1,600	9,944,920	325,000	203

It should be noted that above valuations are very much dependent upon the extent of infrastructure at each camp.

Upon Council agreeing to make application for a change in valuation method, a process would then be undertaken to collate relevant information and initiate consultation with the owner, and then possibly engaging a Surveyor and Valuer to collect the relevant technical detail, for submission to the Minister, for his approval. The effective date of revaluation and interim rating would be the date of Ministerial Approval.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 1 - Introduction and basis of rating) 6.28. Basis of rates (pg 230)

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 1 - Introduction and basis of rating) 6.29. Valuation and rates on mining and petroleum interests (pg 231)

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 1 – Civic Leadership – Planned Actions**

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

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/86**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Stephen Kiernan**

**THAT Council makes application to the Minister for Local Government to change the method of valuation on A3005660 Chichester Minerals Pty Ltd from unimproved to gross rental and upon approval calculate an interim rating levy effective from the date of that approval.**

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

*To be actioned by Mr Michael Giles, Manager Corporate Services.*



### 9.2.5 RISK MANAGEMENT, LEGISLATIVE COMPLIANCE AND INTERNAL CONTROLS REVIEW

<b>Attachments:</b>	<a href="#">Risk Management, Legislative Compliance and Internal Controls Review September 2014</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Michael Giles Manager Corporate Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

To provide the Council with the results of RSM Bird Cameron's (RSM) review of the Shire of East Pilbara's Risk Management, Legislative Compliance and Internal Controls.

#### BACKGROUND

Subsequent to the introduction of an amendment to the Local Government (Audit) Regulations to facilitate the implementation of Risk Management, Legislative Compliance and Internal Control Frameworks, now is presented to Council the compulsory review of those frameworks prior to the statutory deadline of 31 December 2014. This will be the first such review which is to be conducted every two years.

#### COMMENTS/OPTIONS/DISCUSSIONS

RSM Bird Cameron were engaged to undertake this review and then report to senior management on the adequacy of the Shire's existing Risk Management Framework, Legislative Compliance Framework and Internal Controls, with a view to enhance the Shire's management of risks and legislative compliance and internal controls through awareness and education. The scope of the review encompassed all aspects of the Shire's operations including the following broad categories: -

- Management
- Financial
- Compliance
- Technology
- Infrastructure and Assets
- Economic/Political
- Human Resources
- Contractual
- Security

The Shire's Risk Management Framework (RMF) and Legislative Controls Framework (LCF) were adopted in April 2014 and their implementation is ongoing. The RMF has been aligned with the principles contained within ISO 31000. Following interviews and enquiries conducted with key staff within the Shire, RSM have identified several opportunities to improve the existing risk management, legislative compliance and internal controls practices and enhance risk management and legislative compliance maturity within the Shire.

Specifically, RSM have identified the following opportunities for improvement: -

- Greater clarity around the concept of risk appetite;
- On-going formal processes for conducting risk assessment and identifying risks and legislative compliance requirements within the Shire; and
- Introducing a suite of reports that addresses the requirements of Shire staff, management, Audit Committee and/or Council.

Nothing came to RSM's attention, other than the matters noted above (and detailed in **Section 5** of the attached report), that would suggest that the Shire's RMF, LCF and Internal Controls are inadequate.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

### **Local Government (Audit) Regulations**

Regulation 17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
  - (a) *risk management; and*
  - (b) *internal control; and*
  - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

## **POLICY IMPLICATIONS**

- 4.11 Legislative Compliance
- 4.12 Risk Management

## **STRATEGIC COMMUNITY PLAN**

### **Goal 1 – Civic Leadership – Planned Actions**

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

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/87**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Biddy Schill**

**THAT Council accepts the Shire of East Pilbara Risk Management, Legislative Compliance and Internal Controls Review Report.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

***To be actioned by Mr Michael Giles, Manager Corporate Services.***

**9.2.6 DISPOSITION OF LAND - APPLICATION TO LEASE PORTION RESERVE  
2804, NULLAGINE**

**Attachments:** [DofLands Nullagine.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Glenn Britton  
Manager Assets and Procurement  
**Location/Address:** Nullagine Common - Reserve 2804  
**Name of Applicant:** Department of Lands  
**Author Disclosure of Interest:** Nil

12:15 PM Mr Tony Friday and Ms Brenda Lia left Chambers.

12:26 PM Mr Rick Miller left Chambers.

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**REPORT PURPOSE**

To seek Council approval for a proposed land disposition of Portion Nullagine Common being Reserve 2804, Skull Springs Road, Nullagine.

**BACKGROUND**

The Shire is the Primary Interest Holder of Reserve 2804 at Nullagine which is under Management Order for the purpose of "Common" and has an area of approximately 19,607 hectares.

The Shire has received a request from the Department of Lands to excise land for lease land for the purpose of "Community Living". The proposed lease area is approximately 50 hectares and is located just north of the Nullagine airport (approximately 9 kilometres north of Nullagine) where an indigenous community is forming.

**COMMENTS/OPTIONS/DISCUSSIONS**

A copy of a letter from the Department of Lands is attached with a plan of the proposed lease area.

The proposed lease area:

- Is adjacent Nullagine airport
- Contains an existing house (in addition to another nearby existing house on its own title); and
- Is adjacent Five Mile Creek and Nullagine River.

An excision based on the proposed lease plan will additionally require legal road access.

Shire staff advises that there is no current infrastructure in the locality.

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Without the Department of Lands formal approval for an amendment to the Reserve's "permitted use", residential is not a permitted use on the reserve.

Development considerations for residential usage includes:

- Statutory standards and approvals (including health);
- Proximity to the airport flight path; and
- Flood zones as the Nullagine River study did not include this area.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 71)

Local Gov't Regulations Part 6 - Miscellaneous

30. Dispositions of property to which section 3.58 does not apply

- (2) A disposition of land is an exempt disposition if -
  - (c) the land is disposed of to -
    - (i) the Crown in the right of the state or the Commonwealth;
    - (ii) a department, agency, or instrumentality of the Crown in the right of the state or the Commonwealth; or
    - (iii) another local government or regional local government;
  - (g) it is the leasing of a residential property to a person.

As the property is proposed to be excised to the Department of Land, under Local Government regulations 30(2)(c), it is an exempt disposition.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 3 – Economic – Planned Actions**

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

3.4 Land use and development control

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

Responsible officer: CEO

Timing: 1-5 years

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/88**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Biddy Schill**

**THAT Council**

**Supports the excision of the proposed area on the basis that:**

- 1. That the land is transferred to the Department of Lands;**
- 2. The Department of Lands facilitate the proposed lease;**
- 3. A revision of the lease area includes appropriate legal access;**
- 4. That all land excision costs are externally funded;**
- 5. All development on the site is of appropriate statutory standard; and**
- 6. All development has appropriate statutory Approval.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

***To be actioned by Mr Glenn Britton, Manager Assets and Procurement.***

## 9.2.7 DISPOSITION OF PART OF MARBLE BAR COMMON RESERVE 2906

**Attachments:** [Albert Siko.pdf](#)  
[Marble Bar Res 2906.jpg](#)

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

**Author:** Mr Glenn Britton  
Manager Assets and Procurement

**Location/Address:** Lot 151 Hillside Road, Marble Bar

**Name of Applicant:** Adalbert Siko

**Author Disclosure of Interest:** Nil

12:29 PM Mr Rick Miller returned to the Chambers

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### REPORT PURPOSE

To seek Council approval for a proposed land disposition at Lot 151 Hillside Road Marble Bar.

### BACKGROUND

The Shire is the Primary Interest Holder of Reserve 2906 at Marble Bar which is under Management Order for the purpose of "Common".

The Reserve is made up of several parts including lot 151 that has an irregular shape and area of 1.4094 ha.

The Shire has received a request from Mr Adalbert Siko to lease Lot 151 from the Department of Land for the purpose of establishing a residence and residing on the property.

Lot 151 is located adjacent to the intersection of Hillside Road and Marble Bar Pool Road.

Lot 151 includes an access track and an old shed that was leased until approximately 15 years ago.

Shire staff advise that there is no current Shire infrastructure on lot 151.

### COMMENTS/OPTIONS/DISCUSSIONS

Residential use is currently not permitted on the reserve without Dep't of Lands approval for an amendment to the Reserve's "permitted use".

The Shire has discussed this request with the Marble Bar Department of Mines who advised that Mr Siko currently leases a nearby residence/property controlled by "Gumala Aboriginal Corporation". The land/buildings are within a creek bed and an alternate location is sought.

A copy of a letter from the Department of Lands to Mr Siko is provided of which suggested that he contact the Shire of East Pilbara to obtain consent to excise lot 151 from Reserve 2906 and if the Shire did not consent, to consult to ascertain another site for the lease proposal.

Lot 151 however, adjoins another small 0.0415 ha triangular portion of Reserve 2906 that, if lot 151 was to be excised, that triangular portion would have no legal access and as such if supported by Council should be included in the proposed excision.

The Shire supports excision of Lot 151 and that adjacent triangular portion of the land on the basis that the Shire is not required to contribute to survey or property transfer costs.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 71)

Local Gov't Regulations Part 6 - Miscellaneous

30. Dispositions of property to which section 3.58 does not apply

- (2) A disposition of land is an exempt disposition if -
  - (c) the land is disposed of to -
    - (i) the Crown in the right of the state or the Commonwealth;
    - (ii) a department, agency, or instrumentality of the Crown in the right of the state or the Commonwealth; or
    - (iii) another local government or regional local government;
  - (g) it is the leasing of a residential property to a person.

As the property is proposed to be excised to the Department of Land, under Local Government regulations 30(2)(c), it is an exempt disposition.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 3 – Economic – Planned Actions**

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

3.4 Land use and development control

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

Responsible officer: CEO

Timing: 1-5 years



**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/89**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Kevin Danks**

**THAT Council supports the excision of the proposed lease area (Lot 151 and small triangular portion) on the basis that:**

- **The land is transferred to the Department of Lands;**
- **The Department of Lands facilitate the proposed lease;**
- **A revision of the lease area includes the small 0.0415 ha triangular portion;**
- **All land excision costs are externally funded;**
- **All development on the site is of appropriate statutory standard; and**
- **All development has appropriate statutory Approval.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

*To be actioned by Mr Glenn Britton, Manager Assets and Procurement.*

**9.2.8 AFFIXING COMMON SEAL TO DEED OF TRANSFER AND RELEASE  
(COONGAN RIVER CABLEWAY)**

**File Ref:** A222906  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Glenn Britton  
Manager Assets and Procurement  
**Location/Address:** Reserve 2906, Marble Bar  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Deed of Transfer and Release between the Water Resources Ministerial Body and the Shire of East Pilbara, in relation to the Coongan River Cableway.

**BACKGROUND**

At the Council meeting held 14<sup>th</sup> March, 2014, Council resolved (Resolution No. 201314/240 that Council:

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

**COMMENTS/OPTIONS/DISCUSSIONS**

Following the decision not to accept the amended terms and conditions in the previous Deed of Transfer and Release, The Manager Assets and Procurement has liaised with the Department of Water and the document has now been revised to include:

- A revised section 4.2 to include \$10,000 contribution to costs from the Department of Water; and
- A revised section 5.1 that excludes any claims prior to the transfer date.

The amended Deed of Transfer which includes the above points has been signed by the Shire and the Common Seal has been affixed.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## POLICY IMPLICATIONS

### 4.5 EXECUTION OF DOCUMENTS

**Minute No:** Item 9.1.3

**Date:** 27<sup>th</sup> June 2013

#### **Objective**

To allow for the proper execution of documents.

#### **Policy**

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

**Delegation From:** Council  
**Delegation To:** Chief Executive Officer  
**Council File Reference:** ADM-14-9  
**Legislative Authority for Delegation:** S5.42 Local Government Act 1995

#### **Power/Duty/Authorisation Delegated:**

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

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

#### **Authority for exercise of Power/Duty/Authorisation**

#### **Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law

**Date of Delegation** \_\_\_\_\_

**Delegator (Shire President)** \_\_\_\_\_

## STRATEGIC COMMUNITY PLAN

### **Goal 3 – Economic – Planned Actions**

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/90**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Stephen Kiernan**

**THAT Council Note that the Common Seal has been affixed under delegated authority to the Deed of Transfer and Release between the Water Resources Ministerial Body and the Shire of East Pilbara, in relation to the Coongan River Cableway.**

**CARRIED  
RECORD OF VOTE:6 - 0**

*To be actioned by Mr Glenn Britton, Manager Assets and Procurement.*

### 9.2.9 CREDITORS FOR PAYMENT

**File Ref:** FIN-10-2

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

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

**Author:** Ms Candice Porro  
Senior Finance Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

Council endorsement of payment to creditors.

### BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 26 September 2014.

### COMMENTS/OPTIONS/DISCUSSIONS

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT25280-EFT25706	4,268,724.12
	<b>Total</b>	<b>\$4,268,724.12</b>
Cheque Payments	23065-23131	161,600.24
Manual Chq Payments	198-205	40,203.22
	<b>Total</b>	<b>\$201,803.46</b>
	<b>GRAND TOTAL</b>	<b><u>\$4,470,527.58</u></b>

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

**CANCELLED AND UNUSED CHEQUES:**

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

23077, 23088, 201, 203

**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 \$4,470,527.58

**VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/91

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT Council endorse the payments:

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT25280-EFT25706	4,268,724.12
	<b>Total</b>	<b>\$4,268,724.12</b>
Cheque Payments	23065-23131	161,600.24
Manual Chq Payments	198-205	40,203.22
	<b>Total</b>	<b>\$201,803.46</b>
	<b>GRAND TOTAL</b>	<b><u>\$4,470,527.58</u></b>

**CARRIED**  
**RECORD OF VOTE:6 - 0**

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

### 9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

#### 9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - SEPTEMBER 2014

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

12:40 PM Meeting adjourned for Lunch.

1:17 PM Meeting resumed, All Councillors and staff returned to Chambers  
except Ms Sian Appleton.

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

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

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

#### Goal 1 – Civic Leadership – Planned Actions

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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: 201415/92**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Stephen Kiernan**

**THAT the “Status of Council Decisions” – Director Technical and Development Services for September 2014 be received.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

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

**24 OCTOBER, 2014**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.5	SIGNS – 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.	DTDS	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Executive to allocate resources to develop themes and seek funding	Pending
23 August 2013	13.3	WOODIE WOODIE AREA Cr Kevin Danks has asked if it was possible to have the correct names on the signs. Cr Kevin Danks will give the correct names. Director Technical and Development Services to follow up.	MTS-R	A works request has been raised to install correct geonoma naming creeks.	December 2014
24 April 2014	13.4	FIRE STATION NEWMAN RECLAIM WATER Cr Doug Stead has asked about reclaim water for the greening of the Newman Fire Station.  Director Technical and Development Services to follow up.	DTDS	Written application by Newman Fire Station to SOEP. – Verbal Advice will be provided on process	October 2014
23 May 2014	13.1	CAPE KERAUDREN BOAT RAMP Cr Stephen Kiernan asked if the width of the boat ramp can be looked at, as it could be a hazard especially at night time. Director Technical and Development Officer to follow up.	MTS-R	A works request has been raised to carry out minor repairs to make safe. Works priority to be assessed for scheduling.	December 2014
27 <sup>th</sup> June 2014		ROCK WALL – RADIO HILL Cr Shane Carter asked if the rock wall up on Radio Hill can be completed as it was never finished. Mr Rick Miller, Director Technical and Development Services to follow up.	DTDS	Repairs to existing wall completed. Matching stone to be sourced to complete final 8 metres.	November 2014
22 August 2014	13.1	RADIO HILL BBQ LIGHT Cr Gerry Parsons said the BBQ light is out at Radio Hill if it can be fixed. Director Technical and Development Services to follow up.	DTDS CBS	A works request has been raised to arrange repairs	September 2014

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

**24 OCTOBER, 2014**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
26 September 2014	13.1	DOG AGILITY PARK Cr Anita Grace asked if we can investigate water being installed at the dog agility park in Newman. Mr Rick Miller, Director Technical & Development Services to investigate	DTDS MDS-H	Design and costings to be investigated	November 2014
26 September 2014	13.5	AIRPORT RESIDENCE CARDS Cr Bidy Schill asked if the Newman Airport residence cards can be sent to residents in towns outside of Newman, with their rates receipt. Mr Rick Miller, Director Technical & Development Services, to investigate.	DTDS DCEO CEO	Options to be investigated by Executive	November 2014
26 September 2014	13.6	DERELICT CARS – SKULL SPRINGS ROAD 5 MILE CROSSING Cr Bidy Schill asked if we can investigate the transfer of derelict cars, from the property on Skull Springs Road at the 5 mile crossing, to land across the road. Mr Rick Miller, Director Technical & Development Services, to investigate.	DTDS MDS-H MCS	Ownership of land to be established and reported to the Authorities	October 2014
26 September 2014	13.8	AMENITIES AT RADIO HILL Cr Lynne Craigie asked if we can investigate further amenities at Radio Hill including a toilet, improved lighting and a water fountain.	DTDS MAP	Design and costings to be investigated	November 2014
26 September 2014	13.9	KERBS IN MARBLE BAR Cr Stephen Kiernan asked if we can ensure that the new kerbs in Marble Bar are mountable. Mr Rick Miller, Director Technical & Development Services, to follow up.	DTDS MTS-R	Shire Supervisor and Contractor to be advised	October 2014

**9.3.2 PROPOSED CAFE (RESTAURANT) IN PORTION OF EXISTING  
GOVERNMENT BUILDINGS - LOT 352 STATION STREET, MARBLE BAR**

**File Ref:** A200970 / P053/14  
**Attachments:** [Plans Cafe pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr David Everett  
Manager Development Services - Building  
**Location/Address:** Lot 352 (No. 31) Station Street, Marble Bar  
**Name of Applicant:** Phonethip Mulligan (Noy)  
**Author Disclosure of Interest:** Nil

1:21 PM Ms Sian Appleton returned to the Chambers

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**REPORT PURPOSE**

Council's consideration is required for a proposed cafe (restaurant) in an unoccupied portion of the existing Government Buildings at Lot 352 Station Street, Marble Bar.

**BACKGROUND**

**Land Information**

**Zoning:**  
**TPS4:** 'Community and Cultural Purposes' zone  
**Abutting TPS4:** 'Public Purpose' reserves (Water and Drainage, and Recreation), and low density (R15) 'Residential' zone  
**Lot Size:** Approx 6,844m<sup>2</sup>  
**Existing Land Use:** Government Buildings (incorporating the Marble Bar Police Station, Court House and Department of Mines).  
There is currently unoccupied space in the Building.  
**Use Class:** Restaurant  
**Use Class symbol:** 'D' (the use is not permitted unless the Council has exercised its discretion by granting planning approval)

**Brief description of the application:**

The application seeks approval to occupy a portion (northern end of the building) of the existing building for the purpose of a cafe. In summary, the application proposes:

- Hours of operation – 10am to 9pm, 7 days a week
- Seating for a maximum of 26 people

- Kitchen and Storage Area – 26m<sup>2</sup>, Indoor Dining 52m<sup>2</sup>, and outdoor (Alfresco) Dining 21m<sup>2</sup>
- Signage – 2 x 900mm diameter round light boxes with logo (internally illuminated), 1 each affixed to front and side of building

The application does not propose a designated on-site car parking area; it is relying upon areas of existing, informal gravel verge “parking” areas abutting and close proximity to the existing buildings.

**Reason/s the application is required:**

The planning application is required under Clause 8.1 of TPS 4. The proposal is not exempt from requiring approval by virtue of clauses 8.2(a)(i) & (iii) and 8.2(f) of TPS No.4. (Heritage listed)

**COMMENTS/OPTIONS/DISCUSSIONS**

**Zone Objective:**

Council’s stated objective for land classified ‘Community and Cultural purposes’ zone under TPS No.4 is; “The objective of the zone is to designate land in suitable locations for community purposes to meet the needs of the Shire in regard to the provision of cultural, educational, social, recreational and welfare facilities and services by organisations involved in activities for community benefit.”

The proposed cafe is not a community welfare organisation. Notwithstanding, the establishment of the proposed cafe is not contrary to the objectives of the zone and will provide opportunities for social interaction which will likely benefit the community. Furthermore, the portion of the building is unoccupied so the proposed cafe represents an opportunity to occupy a currently vacant portion of a heritage building and to provide a meeting place that could assist with strengthening the community fabric of Marble Bar.

**Heritage Considerations:**

The building is currently listed under the local government Municipal Heritage Inventory (MHI), is on the State Register of Heritage Places and is also listed on the National Trust. Needless to say it is a rare example; the Marble Bar Government Buildings are one of three similar government structures built in the goldfields of WA. To that extent all works must be undertaken in a manner to not undermine or degrade the significance of the place and buildings.

**Signage:**

Having regard for the above heritage considerations, the applicant’s proposal to affix the proposed internally illuminated signs to the building facade should not be supported. There does not appear to be any other similar signs affixed to the building and to that extent it is recommended that the proposed signs be freestanding (perhaps on mono poles). In any event they should not be affixed to the building.

**Parking:**

Having regard for Council's car parking policy the change of use application generates the need for 15 on-site car parking spaces. The application does not propose the provision of any onsite car parking spaces. The building when constructed did not provide designated on-site car parking area. Motor vehicles had not yet arrived in Australia.

There are substantial verge areas in proximity to the buildings that appears to be used for car parking. These areas are constructed from gravel and are capable of accommodating the likely car parking needs generated by the proposed cafe.

Given that the use will likely assist to stimulate further social and economic activity in the town, and that car parking can be accommodated in existing, nearby verge areas, it is recommended that the need to provide 15 on-site car parking bays be waived, however the applicant is to negotiate with the Shire of East Pilbara to nominate and designate the location of a load and unloading bay.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Vehicle Parking Standards – Local Planning Policy No.4 –15 on-site car parking bays required – Zero provided - Variation required.

For reasons identified above, a variation to the policy is supported.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

**3.1 Business diversification and promotion**

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

Responsible officer: DCEO

Timing: 1-5 years

**3.1.2 Build a thriving and diverse economy**

Responsible officer: DCEO

Timing: 1-5 years

**3.1.3 Encourage tourism**

Responsible officer: DCEO

Timing: 1-5 years

**3.2 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.**

**3.2.1 Promote a variety of choice in local employment**

Responsible officer: DCEO

Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/93**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Gerry Parsons**

**THAT Council grant approval to the proposed Cafe (Restaurant) subject to the following conditions and advice notes:**

**Conditions:**

- 1. This approval is for "Restaurant" as defined in the Shire of East Pilbara Town Planning Scheme No.4 and the subject portion of the building contained on the land may not be used for any other use without the prior approval of the Shire.**
- 2. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Shire.**
- 3. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the Shire.**
- 4. The proposed external advertising signs are not to be affixed to the building. An alternative mounting method and location is to be negotiated with the Shire and to the satisfaction of the Shire.**
- 5. Refuse bin areas adequate to service the use/development shall be provided to the satisfaction of the Shire's Manager Development Services – Health before the use commences and the subject portion of the building is occupied.**
- 6. If required, as determined by the Shire's Manager Development Services – Health, an approved effluent disposal system must be installed prior to the occupation of any building the subject of this approval.**
- 7. The location of a designated loading/unloading bay in close proximity to the building is to be nominated and clearly marked to the specifications and satisfaction of the Shire's Director Technical and Development Services.**

**Advice Notes:**

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. The applicant/owner shall obtain a Building Permit prior to the commencement of any development on the site.
3. The proposed development is required to comply in all respects with the Building Act, the National Construction Code and Health (Public Buildings) Regulations 1992.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant.

It is the responsibility of the applicant and not the Shire to investigate any such constraints before commencing development.

This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.

5. In accordance with the Health (Food Hygiene) Regulations 1993, detailed plans and internal elevations showing the design, construction, layout and finishes of fixtures, fittings and equipment must be submitted, with the required application form and fee, and approved by the Shire's Manager Development Services – Health, prior to any food being prepared or sold on the premises.

**CARRIED**  
**RECORD OF VOTE: 6 - 0**

*To be actioned by Mr David Evrett, Manager Development Services – Building.*



**9.3.3 PROPOSED TWO STOREY GROUPED DWELLING - LOT 47 KINGSMILLI LOOP, NEWMAN**

<b>File Ref:</b>	<b>A701699</b>
<b>Attachments:</b>	<a href="#">Plans Lot 47 pdf</a> <a href="#">R Code Assessment Lot 47 Sept 2014 pdf</a> <a href="#">Planning Summary Report - Two (2) Storey</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr David Evrett</b> <b>Manager Development Services - Building</b>
<b>Location/Address:</b>	<b>Lot 47 Kingsmilli Loop, Newman</b>
<b>Name of Applicant:</b>	<b>Megara</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

Council's consideration is required for a proposed Grouped Dwelling which requires the exercise of discretion under Town Planning Scheme No.4 to vary the provisions of the Residential Design Codes by granting planning approval having regard for Clause 5.8.2 of Town Planning Scheme No.4.

**BACKGROUND**

**Previous development approvals that relate to this application:**

The following is a brief summary of the background to the previous approvals issued for the Kurra at Newman Estate:

- On 24 June 2011, Amendment No.13 to Shire of East Pilbara Town Planning Scheme No.4 (TPS No.4) was gazetted rezoning Lot 510 and a portion of Lot 511 Kurra Street, Newman to 'Residential Development' zone and a portion of Lot 511 to 'Community and Cultural Purposes'. The amendment include the inclusion of 'Residential Development Zone' provisions within TPS No.4;
- At is Ordinary Meeting held on 26 August 2011 the East Pilbara Shire Council resolved to adopt Local Planning Policy No.6 – Structure Plan (LPP No.6) for Lot 510 and Pt Lot 511 Kurra Street, Newman. LPP No. 6 established applicable R-Code densities and the development configuration, including common property access way alignments;
- On 31 August 2011, the Western Australian Planning Commission (WAPC) granted subdivision approval to excise Les Tutt Drive road reserve from Lot 510 and create a lot on each side of Les Tutt Drive (WAPC Ref: 144316);
- At its meeting held on 25 October 2011 the WAPC's Statutory Planning Committee (SPC) endorsed LPP No.6;

- On 23 December 2011, the Pilbara Joint Development Assessment Panel (JDAP) granted conditional planning approval under TPS No.4 for the construction of one hundred and ninety (190) grouped dwellings at a density consistent with the endorsed structure plan applicable to Lot 510 Kurra Street, Newman; and
- From 16 March 2012 the Shire of East Pilbara has approved a series of applications for the construction of grouped dwellings / residential buildings on individual strata lots.

**Brief description of the application:**

The application seeks approval to construct a two (2) storey grouped dwelling on survey strata Lot 47 (No.61) Kingsmilli Loop (cnr Snappygum Street), Newman.

**Reason/s the application is required:**

The planning application is required under Clause 8.1 of TPS 4. The proposal is not exempt from requiring approval by virtue of clauses 8.2 of TPS No.4.

**Advertising:**

Not required by TPS No.4.

Clause 4.1.2 of the R-Codes lists the criteria for requiring consultation. In this case it is considered that the components for which approval is sought under the design principles will, if implemented, not likely impact on the amenity of adjoining owners and occupiers, therefore consultation is also not required under the R-Codes.

**COMMENTS/OPTIONS/DISCUSSIONS**

**Zone Objectives:**

The subject land is currently classified 'Residential Development' zone under the Shire of East Pilbara Town Planning Scheme No.4 (TPS No.4) with an applicable residential density coding of R40.

Council's stated objective for land classified 'Residential Development' zone under TPS No.4 is to:

- *provide for the coordinated development of future residential areas through the application of a comprehensive plan to guide subdivision and development to be known as a "Structure Plan";*
- *provide for predominantly residential development, but also including a range of compatible services, consistent with the needs of an integrated neighbourhood, and planned so as to minimise adverse impacts on amenity;*
- *avoid the development of land for any purposes or at a time when it is likely to compromise development elsewhere in the district or prejudice the future*

*development of land zoned Residential Development for more appropriate purposes; and*

- *take account of the need to protect the amenity and on-going use of adjacent and nearby land as well as to provide for the need of future residents.*

The proposed 'grouped dwelling':

- i) is consistent with the applicable density coding of an endorsed Structure Plan for the land;
- ii) provide for residential development and comparatively affordable and robust housing accommodation;
- iii) does not prejudice the development of any other land classified 'Residential Development' zone within the locality; and
- iv) satisfy R-Code aims, objectives and requirements, therefore will maintain a suitable level of amenity for nearby, existing residential uses.

### **Local Planning Policy No.6**

The Shire and the WAPC have adopted and endorsed (respectively) the structure plan applicable to the land as Local Planning Policy No.6 (LPP No.6).

LPP No.6 provides for the residential development of parent Lot 701 and Pt Lot 511 at a residential density between R20 to R60.

The proposed 'grouped dwelling' subject to this application is sited on a survey strata lot which has been identified for residential development at the R40 density.

### **Residential Design Codes of Western Australia (R-Codes)**

In accordance with Local Planning Policy (LPP) No.6 the proposed new two storey grouped dwelling on Survey Strata Lot 47 is subject to the R40 provisions of the R-Codes.

The proposed new 'grouped dwelling' generally meets the relevant 'deemed to comply requirements' of the R-Codes, however the applicant has requested that the Shire considers the following design elements under the relevant 'design principles criteria' of the R-Codes:

<b>Item</b>	<b>R-Code Design Element</b>
1.	Element 5.1.2 C2.2 – 'Street setback'
2.	Element 5.1.3 - 'Lot boundary setback'
3.	Element 5.3.5 - 'Vehicle access'

In considering the abovementioned list of variations from the relevant 'deemed to comply requirements' of the R-Codes, it is contended that:

- the 'design principles criteria' of each relevant design element has been satisfied;
- the specific aims and objectives of the R-Codes have been met; and
- the proposed development will not have an adverse impact on the amenity of any existing, nearby residential properties.

A comprehensive assessment of the proposed 'grouped dwellings' against the provisions of the R-Codes is attached.

**Relevant Policies:**

- Local Planning Policy (LPP) No.6 – Kurra at Newman Estate Structure Plan – the proposed development is consistent with this policy.

**Notes on conditions:**

- Standard residential conditions to be imposed.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Where a proposed development does not meet the requirements of the Residential Design Codes, the Council may determine that it is consistent with the 'design principles criteria' of the R-Codes and exercise a discretion under the Town Planning Scheme and approved such development or resolve to refuse such proposal where a development is considered inconsistent with the zone objectives.

In considering the proposal at hand, it is considered that the development is consistent with zone objectives. Furthermore, the applicant may apply for the review of a Council decision at the State Administrative Tribunal.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

**Goal 1 – Civic Leadership – Planned Actions**

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

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

**Goal 3 – Economic – Planned Actions**

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

- 3.4 Land use and development control

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/94**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Gerry Parsons**

**THAT Council**

**Grant approval to the proposed Two (2) Storey Grouped Dwelling on Lot 47 (No.61) Kingsmilli Loop, Newman subject to the following conditions:**

- 1. Development shall be in accordance with the approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the Manager Development Services – Planning.**
- 2. All proposed vehicular crossover(s) shall be constructed in accordance with Council's Crossover Policy and to the satisfaction of the Director of Technical and Development Services.**
- 3. The applicant/owner shall submit prior to or in conjunction with the Building Permit Application a Landscaping Plan(s) in accordance with the Residential Design Codes for the internal areas of the subject property in addition to the road verge directly adjoining the subject property in accordance with Council's Policy – Road Verge Development Criteria and such plan(s) being approved by the Manager Development Services – Planning. The landscaping for both the internal and verge areas proposed in such Landscaping Plan(s) shall be fully installed and completed prior to occupancy and satisfactorily maintained thereafter.**
- 4. All car parking spaces and manoeuvring areas shall be appropriately constructed which includes the sealing, draining, line marking and sign posting (where applicable) of such areas and be of a size and dimension in accordance with AS2890.1 and to the satisfaction of the Manager Development Services – Planning.**
- 5. All drainage and stormwater disposal shall be contained within the site boundaries so as not to impact on neighbouring properties and the site being drained in accordance with local conditions thereafter and to the satisfaction of the Director of Technical and Development Services.**
- 6. All required screening devices shall be designed and installed in accordance with Part 5.4.1 of the Residential Design Codes and to the satisfaction of the Manager Development Services – Planning.**
- 7. All street walls and fences within the primary street setback area shall be designed in accordance with Part 5.2.4 of the Residential Design Codes.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

***To be actioned by Mr David Evrett, Manager Development Services – Building.***

**9.3.4 USE AND APPLICATION OF SHIRE SEAL - SECTION 70A NOTIFICATION  
LOT 23 NEWMAN DRIVE**

**File Ref:** A409744  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr David Evrett  
Manager Development Services - Building  
**Location/Address:** Lot 23 Newman Drive, Newman  
**Name of Applicant:** Stephen Grace Pty Ltd  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's acknowledgement is required for use and application of the Shire seal on a 70A notification in respect of Lot 23 Newman Drive.

**BACKGROUND**

BHP Billiton is in the process of upgrading the power supply network along Newman which will require multiple network points of supply to Seasons Hotel, Lot 23 Newman Drive.

WA Electrical Requirements (WAER) Section 3.2.6 requires that a notification under section 70A of the Western Australia Transfer of Land Act 1893 be placed on the property title warning that the property has more than one point of electrical supply.

The applicant has forwarded the required documentation to the Shire for signing and sealing.

**COMMENTS/OPTIONS/DISCUSSIONS**

BHP Billiton has commenced works which will result in multiple points of supply of electrical power to Lot 23 Newman Drive and a notification has now to be placed on the property title. All necessary paperwork was lodged with the Shire and as the notification was compliant with the requirements of both the Shire and WAER, it was accordingly submitted to the CEO and Shire President for endorsement.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

WA Electrical Requirements (WAER) Section 3.2.6 requires that a notification under section 70A of the Western Australia Transfer of Land Act 1893 be placed on the property title warning that the property has more than one point of electrical supply.

## **POLICY IMPLICATIONS**

### 4.5 EXECUTION OF DOCUMENTS

#### **STRATEGIC COMMUNITY PLAN**

##### **Goal 3 – Economic – Planned Actions**

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

##### 3.4 Land use and development control

- 3.4.2 Plan well for the future development of the Shire  
Responsible officer: CEO  
Timing: 1-5 years

#### **FINANCIAL IMPLICATIONS**

No financial resource impact.

#### **VOTING REQUIREMENTS**

Simple.

#### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/95**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Kevin Danks**

**THAT Council acknowledges the use of the Shire Seal in the endorsement of a 70A Notification pursuant to Section 70A of the Transfer of Land Act 1893 in relation to multiple network points of electrical supply to Lot 23 Newman Drive, Newman.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

***To be actioned by Mr David Everett, Manager Development Services – Building.***

**9.3.5 USE AND APPLICATION OF SHIRE SEAL - SECTION 70A REMOVAL OF NOTIFICATION LOT 1 TROTMAN AVENUE**

**File Ref:** A414780  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr David Evrett  
Manager Development Services - Building  
**Location/Address:** LOT 1 TROTMAN AVENUE, NEWMAN  
**Name of Applicant:** MALLZIM AHMEDI  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's acknowledgement is required for the use and application of the Shire seal on a 70A removal of notification in respect of the ancillary accommodation at Lot 1 Trotman Avenue.

**BACKGROUND**

On 5 December 2008 council approved the construction of an ancillary dwelling at Lot 1 Trotman Avenue, Newman. A condition of the approval was that a Notification under section 70A of the Transfer of Land Act to alert prospective landowners of the use restriction of the ancillary accommodation.

The Western Australian Planning Commission (WAPC) approved the subdivision of Lot 1 Trotman Ave on 1 July 2014 which places the original dwelling and the existing ancillary accommodation on separate Lots.

The applicant has complied with the conditions of subdivision approval and forwarded the required documentation for the removal of the notification to the Shire for signing and sealing.

**COMMENTS/OPTIONS/DISCUSSIONS**

As a result of the subdivision the ancillary accommodation is now a single dwelling and the restriction placed on the building no longer applies. As the removal of the notification was compliant with the requirements of both the Shire and WAPC, it was accordingly submitted to the CEO and Shire President for endorsement.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

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## STRATEGIC COMMUNITY PLAN

### Goal 3 – Economic – Planned Actions

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

#### 3.4 Land use and development control

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

Responsible officer: CEO

Timing: 1-5 years

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/96**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Dean Hatwell**

**THAT Council acknowledges the use of the Shire seal in the endorsement of a Removal of Notification pursuant to Section 70A of the Transfer of Land Act 1893 in relation to the subdivision of Lot 1 Trotman Avenue with WAPC reference number 147708**

**CARRIED**

**RECORD OF VOTE: 6 - 0**

***To be actioned by Mr David Evrett, Manager Development Services – Building.***

### 9.3.6 SHIRE OF EAST PILBARA PUBLIC HEALTH PLAN

<b>File Ref:</b>	<b>HEALTH</b>
<b>Attachments:</b>	<a href="#">SoEP Public Health Plan Sept 2014.doc</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Edmore Masaka</b> <b>Manager Development Services - Health</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To seek Council's adoption of the Shire of East Pilbara's Public Health Plan.

### BACKGROUND

Under section 26 of the Health Act 1911, local governments are authorised and directed to carry out within their districts the provisions of the Act and the regulations, local laws and orders made thereunder. Furthermore, failure by local government to fulfil their legal obligations as spelt out in this Act may result in the Executive Director of Public Health making an order limiting the time for the performance of that duty by the local government. The current Western Australia Public Health Bill proposes that local governments develop a Public Health Plan. Public Health Plans are used to establish health priorities based on identified health risks for a local community for a minimum period of 3 years. In May 2013, the Shire engaged the services of Stoneham and Associates, a WALGA preferred supplier of public health consultancy services, to undertake the process of developing a Public Health Plan for the Shire at the cost of \$32000.

### The objectives of the Public Health Plan are:

1. To improve the health and wellbeing of all who live in, work in and visit the Shire
2. To provide Council with a strong leadership role in the public health of the Shire's population, particularly by:
  - Adopting a leadership and advocacy role in population health planning;
  - Having a whole-of-Council approach to delivering health and wellbeing initiatives;
  - Developing active external partnerships; and
  - Engaging Councillors and other influential community leaders and members to lead the way to a healthy and fulfilling lifestyle.

### The development of this Plan has included:

- analysis of health data and the local policy environment
  - development of a community profile
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- research and consultation with the community through discussion groups and surveys
- consultation with the Shire of East Pilbara staff and Elected Members
- consultation with key stakeholders

Through this process, six key priority action areas have been developed that will guide Council departments, local service providers, community organisations and businesses and will provide a framework for health planning in the Shire. Council recognises that it is not possible to address every actual or potential public health issue affecting a local government area. However, efforts will be more effective through successful partnerships and by addressing areas of greatest need through priorities, goals and strategies. The following are the 6 Public Health priorities identified:

1. Obesity and health food options
2. Mental health
3. Drug and Alcohol abuse
4. Environmental health protection
5. Community safety
6. Looking from within

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

There are links between public health and many of the objectives in the Community Strategic Plan. The most obvious links are with social, environment and health. However, taking a social determinates of health approach, where all factors that influence health and wellbeing are considered, the linkages are far wider. The key objectives in the Community Strategic Plan are:

#### **Civic Leadership**

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.

#### **Social**

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.

#### **Economic**

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.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

*Sec. 26 Health Act 1911 (WA)*

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“Powers of local governments

*Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder...”*

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC COMMUNITY PLAN**

### **Goal 2 – Social – Planned Actions**

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

2.1.2 Encourage active lifestyles

2.1.3 Encourage high rates of participation in community activities and events

2.1.4 Support individual and community health

## **FINANCIAL IMPLICATIONS**

The initial resource requirements for the implementation of this plan will be in accordance with existing budgetary allocation and provisions will be made in subsequent budgets for the operational aspects of the plan.

## **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/97**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Gerry Parsons**

**THAT Council adopt the Shire of East Pilbara's Public Health Plan, and authorise its implementation.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

***To be actioned by Mr Edmore Masaka, Manager Development Services – Health.***

**9.3.7 SHIRE OF EAST PILBARA'S MOSQUITO MANAGEMENT PLAN AND  
BASELINE SURVEY REPORT**

<b>File Ref:</b>	<b>ENV-1-5</b>
<b>Attachments:</b>	<a href="#">Management Plan Final.pdf</a> <a href="#">Baseline Results Final.pdf</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Edmore Masaka</b> <b>Manager Development Services - Health</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To seek Council's endorsement of the Shire of East Pilbara's Baseline Mosquito Management Report and the adoption of the resultant Mosquito Management Plan.

**BACKGROUND**

In May 2013, the Shire engaged the services of Outback Ecology to conduct a detailed baseline survey (trapping and identification of mosquitoes) and then develop an integrated Mosquito Management Plan which will effectively reduce or control the number of disease vectors and nuisance species to a level where their impact is kept at a minimum by:

- Documenting breeding habitats, species prevalence and seasonal productivity
- Establishing a monitoring program for larval and adult mosquito activity
- Using the data collected in such monitoring to estimate health risks to humans, wildlife, or domestic animals, and to make mosquito management decisions based on the level of risk
- Applying appropriate and more effective treatment to areas affected with all environmental and economic considerations factored in
- Incorporating a public awareness program as one of the expected outcomes of the baseline survey
- Continuously improve the management of vector mosquitos within the area using the baseline survey data as a benchmark.

The Shire has experienced an increased incidence of Ross River with the last wet season recording the highest number in 10 years thus reducing the quality of life within affected communities.

**COMMENTS/OPTIONS/DISCUSSIONS**

The baseline mosquito monitoring program identified three species which posed a potential disease vector or nuisance biting risk to residents in the Shire. *Culex annulirostris* primarily represented a disease risk to residents in Newman, and to a lesser degree in Nullagine and Marble Bar, being a vector of Ross River, Barmah

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Forest and Kunjin viruses and the potentially-fatal Murray Valley Encephalitis virus. *Anopheles annulipes* was identified as a nuisance biting risk to residents in Nullagine and Marble Bar, while *Culex quinquefasciatus* posed a nuisance biting risk across all three towns.

The Integrated Mosquito Management Plan for the Shire focuses on monitoring mosquito abundances, as well as physical, chemical and cultural control methods. Monitoring on a fortnightly basis, at Newman, Nullagine and Marble Bar is recommended during the peak mosquito pest period (December to April), however monthly monitoring during the dry season (May to November), should also be considered.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

*Sec. 26 Health Act 1911(WA)*

### ***“Powers of local government***

*“Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder...”*

## **POLICY IMPLICATIONS**

**Nil**

## **STRATEGIC COMMUNITY PLAN**

### **Goal 2 – Social – Planned Actions**

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

## **FINANCIAL IMPLICATIONS**

The resource requirements are in accordance with existing budgetary allocation. However grant funding under the Department of Health’s CLAG programme is being pursued.

## **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/98

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT Council

1. Council receives the Shire of East Pilbara's Baseline Mosquito Survey Report.
2. Council adopts the Shire of East Pilbara's Mosquito Management Plan and authorises its implementation within budget parameters.

CARRIED  
RECORD OF VOTE: 6 - 0

*To be actioned by Mr Edmore Masaka, Manager Development Services – Health.*

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**11.1 DRAFT REPORT – THE WAY FORWARD - IMPROVING YOUTH, FAMILY AND CHILDREN'S SERVICES IN NEWMAN**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/99**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Kevin Danks**

**THAT the Draft Report – The Way Forward - Improving Youth, Family and Children's Services in Newman be accepted as item 11.1.1.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

**11.1.1 DRAFT REPORT – THE WAY FORWARD - IMPROVING YOUTH, FAMILY AND CHILDREN'S SERVICES IN NEWMAN**

**File Ref:** ORG 11-9  
**Attachments:** [DPS116 SOEP The way forward A4\\_2\(3\).pdf](#)  
**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

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**REPORT PURPOSE**

For Council to approve the Youth, Family and Children's Services plan for Newman to be advertised for public comment.

**BACKGROUND**

Over the past twelve months, Council has been researching the mapping, delivery and gaps in services of government agencies, non-government organisations, community groups and the Shire of East Pilbara in Newman that includes a process to contribute to continuous improvement for services from all agencies, including the Shire of East Pilbara. The outcome of the research was to recommend a two year program and how best to address any gaps or what improvements need to be undertaken to continuously improve service delivery. The project has taken considerable time due to the complexity that involved multi-agency and government

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responsibilities for service delivery and identifying how much onus the Shire of East Pilbara has towards contributing to shaping improved services and their delivery.

In addition, when considering the multiplicity of organisations, including governments at all levels, non-government sectors and the expectations of the communities, and the continual changes which occur to all policy and principles underpinning service delivery reforms has led to a report being finalised for Newman.

Reports have also been finalised for Marble Bar and Nullagine which have been made available for public comment and have now been received by Council.

The proposed direction for this report has included government policy for service delivery and how the Shire of East Pilbara can participate in this policy area to support continuous service delivery improvements.

Whilst there can always be continuous and increased services to a community, there are also limitations to government direction, policy, budget and risk. It is necessary to address the key issues associated with service delivery in Newman:

- The foremost issue relating to service delivery in Newman is a lack of awareness among the community of the available services, and the lack of a referral centre where the community can easily make contact with services and community activities, and where all service funders, providers and deliverers can lodge their information to enable the community to more easily access services in the town.
- The need to improve youth facilities and services
- A lack of coordinated services planning.
- A lack of community input into service planning and delivery;
- Issues attracting and retaining staff
- Interservice interruptions, primarily due to staffing issues.

Improving infrastructure and governance are identified as the two key elements of the service delivery that are crucial to addressing all of these issues.

Based on the research study, the report presents several infrastructure and governance options for improving youth and family and children's services in Newman and the Shire. A critique of the options is also presented, concluding that developing new infrastructure and enhancing service delivery through better governance is the best way forward.

Specifically, it is recommended that a large scale multi-purpose facility, encompassing youth and family and children's services, offers the greatest potential for addressing the service issues identified, and if coupled with an innovative governance model, the greatest scope for sustainable, and continuously improving, service delivery.

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

The general principle in Western Australia associated with services being provided to a community is every resident has a "right" to have access to all government services. However, there are some difficulties in delivering service and access to

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some services is more difficult to achieve than others. Governments at all levels are endeavouring to provide universal access to services based on budget, demand and capability of delivery.

The key direction was to determine how service delivery can be improved; appropriate services delivered, better service coordination, community input into service planning and delivery and information on access to services made more readily available.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Any building or development of spaces will involve Section 3.59 of the Local Government Act.

### **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.

#### *2.3.2 Develop and implement youth projects*

*Responsible Officer: MCW*

*Timing: 1-3 years*

#### 2.4 Diverse and inclusive communities

##### 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

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/100**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Gerry Parsons**

**THAT Council approve the Youth, Family and Children's Services Plan for Newman be advertised for public comment.**

**CARRIED  
RECORD OF VOTE: 6 - 0**

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

## **12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

Nil

## **13 GENERAL BUSINESS**

### **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.

### **13.2 MARBLE BAR POOL**

Cr Stephen Kiernan asked if the Marble Bar Pool could get some table, chairs and shade in the grass area.

Ms Sian Appleton, replied yes a work order will be raised for the request.

### **13.3 SEATING MAIN STREET MARBLE BAR**

Cr Stephen Kiernan asked if seating can be put in the main street as a lot of people sit on the grass area.

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

### **13.4 CIVIC CENTRE MARBLE BAR**

Cr Stephen Kiernan asked when is the maintenance is due on the Marble Bar Civic Centre air conditioners as it is coming up to summer and the frequent usage of the hall at this time of the year if this can be checked.

Mr Warren Barker, Coordinator Building Services to follow up.

## **14 DATE OF NEXT MEETING**

12<sup>th</sup> December 2014, Newman

**15 CLOSURE**

1:43 PM