

**Unconfirmed copy of Minutes of  
Meeting held on 25 July 2014 subject to  
confirmation at meeting to be held on  
22 August 2014**

**SHIRE OF EAST PILBARA**

These minutes were confirmed by the council  
as a true and accurate record at the ordinary  
council meeting held on 22 / 8 / 2014



A large, stylized handwritten signature in blue ink, likely belonging to Allen Cooper, Chief Executive Officer.

**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, 25 JULY, 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 10:02 AM.

*Note\* Mr Allen Cooper, Chief Executive Officer spoke regarding the passing of Raymond Daniels. Ray Daniels is recognised for his contribution as a Councillor from 1979 to 1981 and as Shire President from 1981 to 1985 for the Shire of East Pilbara.*

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

### 2.1 ATTENDANCES

#### Councillors

Lang Coppin OAM  
Anita Grace  
Shane Carter  
Craig Hoyer  
Doug Stead  
Kevin Danks  
Biddy Schill  
Dean Hatwell  
Stephen Kiernan

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

### 2.2 APOLOGIES

#### Councillor Apologies

Lynne Craigie  
Gerry Parsons

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**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

**7.1 CONFIRMATION OF MINUTES**

[Minutes June 27 2014 Council.DOCX](#)

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/01**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Biddy Schill**

**THAT the minutes of the Ordinary Meeting of Council held on 27 June 2014, be confirmed as a true and correct record of proceedings.**

**CARRIED**

**RECORD OF VOTE: 9 - 0**

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

**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

Nil

**8.2 ITEMS FOR INFORMATION**

Cr Craig Hoyer attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.
- Exhibition at the Newman Visitors Centre.

Cr Doug Stead attended;

- EPIS Board Meeting
- Australian Citizenship Swearing in ceremony
- Exhibition Opening Night Newman Visitors Centre
- Shire Audit Committee
- Councillors monthly visit Newman Boulevardde Shopping Centre
- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.
- Exhibition at the Newman Visitors Centre.

Cr Shane Carter attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.

Cr Anita Grace attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.
- Exhibition at the Newman Visitors Centre.
- Australian Citizenship Swearing In Ceremony.

Cr Bidy Schill attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.

Cr Dean Hatwell attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.
- Marble Bar Race Club Committee meeting.

Cr Kevin Danks attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.
- The opening of the Mount Webber Minesite – Atlas Iron.
- Marble Bar Race Club Committee meeting.
- Marble Bar Tourist Association meeting.

Cr Stephen Kiernan attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.



Cr Lang Coppin attended;

- The opening of Mindarra/Calcott Beautification Project.
- Ministerial Meeting with the Hon Terry Redman, Minister for Regional Development; Lands; Minister for Assisting the Minister for State Development.
- Ministerial Meeting with the Hon Bill Marmion, Minister for Mines and Petroleum; Housing.
- The opening of the Newman Service Workers Accommodation.
- Council Budget Workshop.
- The opening of the Mount Webber Minesite – Atlas Iron.

## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - JUNE 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: 201415/02**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Shane Carter**

**THAT the “Status of Council Decisions” – Chief Executive Officer for June 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>
31 January 2014	9.1.8	EXTENSION OF LEASE KURRA VILLAGE	CEO		On Going

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

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

## 9.2 DEPUTY CHIEF EXECUTIVE OFFICER

### 9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - JUNE 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  
*10:15 AM Cr Anita Grace left Chambers.*

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## REPORT PURPOSE

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

## BACKGROUND

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

## COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

## STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

## POLICY IMPLICATIONS

Nil

## 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: 201415/03**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Doug Stead**

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

<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	Flooring still being assessed.	In Progress
25 October 2013	15.1	SKATE PARK MARBLE BAR Cr Stephen Kiernan asked when the mobile skate park would be purchased for Marble Bar. Deputy Chief Executive Officer replied. Further information is currently being sought on the mobile skate park.	DCEO	Public Meeting is being held regarding site for the skate park. Money allocated.	On Going
27th June 2014	9.2.2	MARBLE BAR SKATE PARK LOCATION	MCW		In Progress
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	Meeting 13 <sup>th</sup> June 2014 with the Department to discuss future of Cape Keraudren	On Going
14 March 2014	9.2.20	MARBLE BAR RESERVE 2906 – CONSIDERATION OF GAUGING CABLEWAY	MBA	Waiting for response from Department of	On Going

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

**25 JULY, 2014**

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		(FLYING FOX)		Water & Rivers	
24 April 2014	13.2	FLAGPOLE MARBLE BAR POOL Cr Dean Hatwell asked if a flagpole can be installed at the Marble Bar Pool as Australia Day celebrations are held at the pool and cannot put up a flag. Deputy Chief Executive Officer to follow up.	MCW	Flag pole is being investigated.	In Progress
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	Letter written requesting the possibilities of attendance at council meeting. Replied via phone 12.06.2014 Newman Club representative will be attending the July 2014 Council Meeting.	In Progress
23 May 2014	9.2.2	DRAFT NEWMAN RECREATION PLAN	DCEO	Closing Date – 14 <sup>th</sup> July 2014	In Progress
23 May 2014	9.2.3	DRAFT REPORTS - IMPROVING YOUTH, FAMILY AND CHILDREN'S SERVICES DELIVERY IN NULLAGINE AND MARBLE BAR	DCEO	Closing Date – 14 <sup>th</sup> July 2014	In Progress
23 May 2014	13.2	MARBLE BAR OUTDOOR CINEMA Cr Dean Hatwell asked when the outdoor cinema will be utilised for the community especially for the school holiday program. Manager Community Wellbeing to follow up.	MCW		On Going
23 May 2014	13.3	MARBLE BAR CIVIC CENTRE Cr Dean Hatwell has asked if the forms for the hiring of the Marble Bar Civic Centre be simplified. Deputy Chief Executive Officer to follow up.	DCEO		On Going
27 <sup>th</sup> June 2014	13.6	CIVIC CENTRE – MARBLE BAR Cr Dean Hatwell asked if a stock take of the table and chairs could be arranged at	DCEO		

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

**25 JULY, 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>
		the Marble Bar Civic Centre. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.			
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		
27 <sup>th</sup> June 2014	13.9	MULTI PURPOSE CENTRE – NULLAGINE Cr Bidy Schill would like an update on the proposed Multi-Purpose Centre in Nullagine. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO		

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

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

## 9.2.2 COUNCIL BUDGET 2014/2015

**File No:** FIN-23-10  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

10:17 AM Cr Anita Grace returned to the Chambers

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### REPORT PURPOSE

To adopt Council's budget for the 2014/2015 financial year.

### BACKGROUND

Council is required to adopt its budget for 2014/2015 by the 31<sup>st</sup> August 2014. The draft budget (under separate cover) has been compiled with regard to Council's strategic documents, resolutions of Council over the last 12 months and input from Councillors and Council Officers.

### COMMENTS/OPTIONS/DISCUSSIONS

Council must adopt the budget by the 31<sup>st</sup> August 2014, or seek an extension from the Minister for Local Government.

### STATUTORY IMPLICATIONS/REQUIREMENTS

#### **Local Government Act 1995**

6.2. *Local government to prepare annual budget*

(1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

#### **Local Government (Financial Management) Regulations 1996**

Part 3 — Annual budget — s. 6.2

22. *Form and content of annual budget (Act s. 6.2(1))*

- (1) *The annual budget of a local government is to be in a form that includes the following —*
- (a) *an income statement;*
  - (b) *a cash flow statement;*
  - [(c) *deleted*]
  - (d) *a rate setting statement showing details of —*
    - (i) *the revenue and expenditure that have been taken into account to determine the budget deficiency; and*
    - (ii) *the total amount of the general rates to be imposed; and*
    - (iii) *any deficit or surplus remaining after the imposition of the general rates;*
  - (e) *in relation to the rates proposed to be imposed by the local government, the information set forth in regulation 23;*
-



- (f) *in relation to the service charges proposed to be imposed by the local government, the information set forth in regulation 24;*
- (g) *in relation to the fees and charges proposed to be imposed by the local government, whether under the Act or under any other written law, the information set forth in regulation 25;*
- (h) *in relation to —*
  - (i) *any discount or other incentive proposed to be granted for early payment of any amount of money; or*
  - (ii) *the proposed waiver or grant of a concession in relation to any amount of money; or*
  - (iii) *the proposed writing off of any amount of money,*  
*the information set forth in regulation 26;*
  - (i) *notes containing the information set forth in regulation 27 and such other supporting notes, tables and other information as the local government considers will assist in the interpretation of the annual budget.*
- (2) *The financial information disclosed in the annual budget, other than the cash flow statement, is to be compiled on an accrual accounting basis.*

## **POLICY IMPLICATIONS**

3.3 Budget Preparation

3.5 Budget Management – Capital Acquisitions

## **STRATEGIC COMMUNITY PLAN**

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

## **FINANCIAL IMPLICATIONS**

To allow for the Council's financial operations for the 2014/2015 financial year.

## **VOTING REQUIREMENTS**

Absolute.

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OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/04

MOVED: Cr Shane Carter

SECONDED: Cr Anita Grace

THAT Council

1. Adopt the 2014/2015 draft budget including the Schedule of Fees and Charges and incorporating the following differential rating and valuations:

(a) General Rate

- (i) A rate in the dollar for 2014/2015 will apply as follows:

	Rate in \$	Minimum
Gross Rental Value – Industrial	1.7011	\$650
Gross Rental Value – Town Centre	4.1128	\$650
Gross Rental Value – Nullagine Town Centre	7.3178	\$400
Gross Rental Value – Transient Workforce Accommodation	3.2680	\$650
Gross Rental Value – Other	1.7684	\$650
Unimproved Value – Pastoral/Special Leases	4.5124	\$200
Unimproved Value – AML Leases	17.698	\$200
Unimproved Value – Mining Leases	17.698	\$200
Unimproved Value – General Leases	17.698	\$200
Unimproved Value – Petroleum Leases	17.398	\$200
Unimproved Value – Exploration Leases	15.575	\$200
Unimproved Value – Prospecting Leases	15.575	\$200

- (ii) The GRV Industrial rate will apply to an estimated 113 properties having a total rateable valuation of \$11,585,080 and generating \$204,160 of income;
- (iii) The GRV Town Centre rate will apply to an estimated 42 properties having a total rateable valuation of \$6,145,812 and generating \$256,108 of income;
- (iv) The GRV Nullagine Town Site rate will apply to an estimated 44 properties having a total rateable valuation of \$426,420 and generating \$35,042 of income;
- (v) The GRV Transient Workforce Accommodation will apply to an estimated 14 properties having a total rateable valuation of \$64,953,716 and generating \$2,122,752 of income;
- (vi) The GRV Other rate will apply to an estimated 2,245 properties having a total rateable valuation of \$141,505,114 and generating \$2,687,558 income;
- (vii) The UV Prospecting rate will apply to an estimated 340 properties having a total rateable valuation of \$522,605 and generating \$94,224 of income;

- (viii) The UV Exploration rate will apply to an estimated 866 properties having a total rateable valuation of \$13,330,952 and generating \$2,091,236 of income;
- (ix) The UV Pastoral/Special rate will apply to an estimated 66 properties having a total rateable valuation of \$7,558,818 and generating \$344,175 of income;
- (x) The UV Other rate will apply to an estimated 758 properties having a total rateable valuation of \$24,643,982 and generating \$4,392,651 of income;
- (xi) In addition to the above rates, it is estimated a further \$272,800, being interim rates, will be raised during the year;
- (xii) Minimum rates detailed at (c) below are included in the figures at (ii) through (xii) above;

**(b) Discounts, Concessions, Incentives and Write-off Information**

- (i) No discount for the early payment of rates will be offered in 2014/2015;
- (ii) Incentives are offered for the early payment of rates in accordance with Council's Rate Payment Incentive Prize Policy. They are detailed below:

**First Prize:**

Shade Sail - The Shade Sail Man – valued up to \$2,500

**Second Prize**

The Pearle – 2 nights accommodation staying in a fully self-contained 2 bedroom unit – valued at \$1,400

**Third Prize**

Shire of East Pilbara rates refund (up to a value of \$1,000.00 not including service charges)

**Fourth Prize:**

Karijini Eco Retreat – 2 nights accommodation in a Deluxe Eco Tent including continental breakfast– value \$349

**Fifth Prize**

Margaret's Forest Holiday Apartments – 1 nights accommodation in a One Bedroom Spa Apartment – Valued at \$230

- (iii) A total of \$15,000 rates are estimated to be written off during the year. The majority of this estimate relates to mining tenements that have lapsed and become uncollectable.

**(c) Minimum Rates**

The object of minimum rates is to ensure that all property owners contribute at least a standard minimum amount towards the provision of local government services which would otherwise be payable in accordance with (a) above;

- (i) A minimum rate of \$400 (GRV) in Nullagine townsite with all remaining GRV assessments having a minimum rate of \$650 (GRV). A minimum rate of \$200 (UV) will apply for 2014/2015;
- (ii) The GRV general minimum will apply to an estimated 418 properties having a total rateable valuation of \$4,272,166 and generate income totalling \$271,700;
- (iii) The UV general minimum will apply to an estimated 640 properties having a total rateable valuation of \$415,053 and generate income totalling \$128,000;
- (iv) The GRV Nullagine Town Site minimum will apply to an estimated 15 properties having a total rateable valuation of \$29,412 and generate income totalling \$6,000;
- (v) The pastoral / special lease general minimum will apply to an estimated 19 properties having a total rateable valuation of \$15,718 and generate income totalling \$3,800;

**(d) Rubbish Charges**

The charge for rubbish collection service shall be \$250 per service and applied to 2,113 properties will generate income totalling \$528,300.

**(e) Sewerage Rates**

Where properties in the Newman townsite have the ability to connect to the town's sewerage scheme a rate will be raised, under the Health Act, against that property for the purpose of maintaining and running the Newman Sewerage Treatment Plant.

The Rate to be imposed for the 2014/2015 year will be 0.3378 cents in the dollar on the gross rental value of the property. The total expected revenue from this rate is \$567,600.

**(f) Instalments**

Payment of rates and rubbish charges may be made by one of three methods as follows:

- (i) Single payment                                      Due Date: 10 September 2014
  - (ii) Four instalments                                    1st Due Date: 10 September 2014  
                                                                                 2nd Due Date: 14 November 2014  
                                                                                 3rd Due Date: 16 January 2015  
                                                                                 4th Due Date: 13 March 2015
-

A \$5.00 administration fee is payable on the second and any subsequent payments made under an instalment option to cover the cost of producing reminder notices. The total expected revenue from the imposition of this fee for 2014/2015 is \$6,200.

**(iii) Other arrangements**

A \$50.00 administration fee is payable for any Rates Payment Agreements outside the normal instalment option.

**(g) Interest Penalty**

Interest at a rate of 8% per annum will apply for the late payment of rates if the single payment option is selected or an agreement is entered into outside of the normal instalment option. An interest rate of 4% will apply if an instalment option is selected. It is estimated that the total amount of interest to be collected in 2014/2015 will be \$26,000.

The interest penalty will accrue daily on a simple interest basis as follows:

- No instalment option: Interest shall accrue on rates outstanding for thirty five days after the issue date (i.e. 10 September 2014). Eligible pensioners are exempt.
- Instalment option taken: Interest shall accrue daily on any instalment payment that remains unpaid after the due date of that instalment and will continue to accrue until such time as that instalment is paid. Eligible pensioners are exempt.
- Arrears: Interest shall begin to accrue from 1 July 2014, on all rates including previous interest charges that remain in arrears. Eligible pensioners are exempt.

2. Adopt the schedule of rates, sewerage rates, fees and charges and rubbish, as detailed.

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

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

**9.2.3 AFFIXING THE COMMON SEAL TO THE ADDENDUM OF THE  
MEMORANDUM OF UNDERSTANDING AND FUNDING AGREEMENT  
BETWEEN NULLAGINE COMMUNITY RESOURCE CENTRE AND THE  
SHIRE OF EAST PILBARA**

**File Ref:** ORG-12-1  
**Attachments:** [Memorandum of Understanding CRC Nullagine & SOEP](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sue Michoff  
Manager Community Wellbeing  
**Location/Address:** Nullagine Hall (Gallop Hall) A330548  
**Name of Applicant:** Nullagine Community Resource Centre  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to apply the common seal to the amendment of the Memorandum of Understanding and Funding Agreement between the Nullagine Community Resource Centre and The Shire of East Pilbara for the provision of library services to incorporate the administration of bookings and cleaning of the Gallop Hall facility.

**BACKGROUND**

On the 31<sup>st</sup> January 2014, at The Shire of East Pilbara ordinary council meeting, Item 9.2.14 was tabled to affix the common seal to the Memorandum of understanding and Funding Agreement between the Nullagine Community Resource Centre and The Shire of East Pilbara. Item 9.2.14 was moved at the meeting.

In June 2014 East Pilbara Independence Service (EPIS) ended their tenancy agreement and handed possession of Gallop Hall, Nullagine back to The Shire of East Pilbara. Throughout the duration of the lease agreement EPIS was responsible for the hire of Gallop Hall as a public facility and the required cleaning of premises.

There is currently no process for the administration of bookings for community and commercial groups requiring use of Gallop Hall.

**COMMENTS/OPTIONS/DISCUSSIONS**

In order to hire Gallop Hall there must be a central location in Nullagine to administer the bookings. This process will at the minimum involve collecting paperwork, handling of keys, forwarding invoice information to finance and assessing the building prior to and post-booking, in line with the Conditions of Hire and Use of the Building.

Cleaning of the premises is also required in order to provide hire of the premises.

The Shire of East Pilbara Nullagine Works Depot staffs have access to Gallop Hall; however the nature of their work creates difficulty in meeting the fundamental administration tasks required for managing the facility.

The Nullagine Public Library, whilst staffed by Nullagine Community Resource Centre staff, is a Shire of East Pilbara facility, located next to Gallop Hall and available during business hours.

The Shire of East Pilbara approached the Nullagine Community Resource Centre to consider absorbing the administration of bookings for Gallop Hall into the Library Officer position. Nullagine Community Resource Centre considered this in their June 2014 Board meeting and has indicated that there is sufficient scope within the allocated staff hours to incorporate the administration of bookings for Gallop Hall into the Library Officer position.

Further, the Nullagine Community Resource Centre has requested to provide staffing for the cleaning of Gallop Hall at the rate of \$30 per hour, exclusive of cleaning equipment and materials.

Within the current Memorandum of Understanding, under the 'Purpose of the Agreement' it is stated that both parties agree to work together to "Identify ways to continue to develop the range of services that can be provided by the Nullagine Community Resource Centre and the Nullagine Community Library."

Booking procedures, Fees and Charges and Hire Conditions of Use for Gallop Hall are currently under review. Updated Fees and Charges will be tabled for consideration at the August Shire of East Pilbara Ordinary Council Meeting.

As per the conditions of the Memorandum of Understanding and Funding Agreement, dated 31/01/2014, between the Nullagine Community Resource Centre Incorporated and The Shire of East Pilbara, amendments may only occur by mutual agreement in writing between the parties.

The proposed Addendum incorporates the following changes only:

**Nature of the Collaboration:**

**Under the terms of this agreement Nullagine Community Resource Centre Inc. will:**

- m) To provide administrative services for the booking of the Shire of East Pilbara Public facility Gallop Hall, located in Nullagine.
- n) Provide cleaning services to Gallop Hall in line with hire and conditions of use of the facility

**Under the terms of this agreement The Shire of East Pilbara will:**

- f) Reimburse Nullagine Community Resource Centre at the rate of \$30 per hour plus GST for cleaning services of Gallop Hall in line with the hire and conditions of use of the facility
- g) Provide cleaning equipment and consumables for the maintenance and cleaning of the Gallop Hall.

**Operational Costs:**

The following table is a further breakdown of operational costs associated with running the Nullagine Public Library:

Operational Costs	Shire of East Pilbara Responsibility	Nullagine Community Resource Centre Responsibility
Cleaning Equipment and Consumables – Gallop Hall	100%	0%

Council can approve or not approve the request to amend the Nullagine Community Resource Centre Memorandum of Understanding and Funding Agreement.

**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.

**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 2 – Social – Planned Actions**

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

2.4 Diverse and inclusive communities



2.4.2 Build strong community groups, networks and governance  
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**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/05**

**MOVED: Cr Bidy Schill**

**SECONDED: Cr Stephen Kiernan**

**THAT Council approve the application of the common seal of The Shire of East Pilbara to the amendment of the Nullagine Community Resource Centre Memorandum of Understanding and Funding Agreement.**

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

***To be actioned by Ms Sue Michoff, Manager Community Wellbeing.***

#### 9.2.4 FINANCIAL REPORTING AND MATERIALITY

**File Ref:** FIN-23-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

For Council to consider and approve the level of materiality required under the Local Government (Financial Management) Regulations 1996 34(5), for financial reporting in respect of variances and the original adopted budget.

#### BACKGROUND

Local Government (Financial Management) Regulations 1996 34(5) requires each financial year, a Local Government adopt a percentage or value, calculated in accordance with AASB 1031, to be used in the statement of financial activity for reporting material variances. Council need to take into account the level of materiality which it is to adopt, as explanations for each material variance is required as per the Local Government (Financial Management ) 1996 Regulations 34(2).

#### COMMENTS/OPTIONS/DISCUSSIONS

Under Local Government (Financial Management) 1996 Regulations 34(5) Each financial year, a Local Government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formally AAS 5 ), to be used in the statement of financial activity for reporting material variance.

Local Government (Financial Management) Regulations 1996 34(2) requires an explanation for each material variance in the Statement of Financial Activity against the original adopted budget.

As per AASB 1031.9, information is material if its omission, misstatement or non-disclosure has the potential to adversely affect decision about the allocation of scarce resources made by users. It also can affect the discharge of accountability by the management or government body of the entity.

As local governments are not for profit entities they are primarily concerned with the achievements of objectives rather than the generation of profit, the material variance need to be assessed carefully.

The Shire of East Pilbara Financial Management Reports use a materiality threshold to measure, monitor and report on the financial performance and position of the

Shire. Currently the materiality threshold used is variances greater or lower than 10% of the original adopted budget, and greater than \$10,000 in value.

Under AASB 1031.15, quantitative thresholds are used as guidance for determining the materiality of the amount of an item or an aggregate of items. It is therefore recommended that in the Financial Management Reports this materiality be applied to a sub function level.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

**Local Government Act 1996 (Part 4) – Section 6.4**

**Local Government (Financial Management) Regulations 1996**

Part 4—Financial reports—s.6.4

34. Financial activity statement required each month (Act s. 6.4)

(1A) .....

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**AASB 1031 – Materiality – July 2004**

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

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

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management  
Responsible officer: DCEO

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/06**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Dean Hatwell**

**THAT Council adopt a material variance plus or minus 10% of the original budget and a value greater than \$10,000, to be applied per sub-function level, for the financial year ended 2014/2015.**

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

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

### 9.2.5 MAY FINANCIAL STATEMENTS 2014

**Attachments:** [May 2014 Variance Report.doc](#)  
[May Financials.pdf](#)

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

**Author:** **Ms Lisa Davis**  
**Coordinator Financial Services**

**Location/Address:** **N/A**

**Name of Applicant:** **N/A**

**Author Disclosure of Interest:** **Nil**

10:23 AM *Mr Rick Miller left Chambers.*

10:24 AM *Mr Rick Miller returned to the Chambers*

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### REPORT PURPOSE

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

### BACKGROUND

The attached 12-page report details the financial activities of the Council for the period December 2013 of the 2013/2014 financial year –

There are 4 sections of the monthly report:

1. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
2. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
3. Graphs showing budget v actual and Income & Expenditure by Nature & Type
4. A schedule detailing all expenditure for the year to date for individual capital items.
5. A statement of cash flows.

### COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are submitted on attached report.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

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

*“The financial report is to –*

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

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

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

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

## **POLICY IMPLICATIONS**

### POLICY

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

## **STRATEGIC COMMUNITY PLAN**

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

## **FINANCIAL IMPLICATIONS**

This report discloses financial activities for the period under review.

## **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/07

MOVED: Cr Craig Hoyer

SECONDED: Cr Doug Stead

That Council receive the monthly financial statements for the period July 2013 to May 2014, of the 2013/2014 financial year, as presented.

CARRIED  
RECORD OF VOTE: 9 - 0

*To be actioned by Ms Lisa Davis, Coordinator Financial Services.*

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**9.2.6 CREDITORS FOR PAYMENT**

**File Ref:** FIN-10-2  
**Attachments:** [Schedule of Accounts EFT.pdf](#)  
[schedule of accounts chq.pdf](#)  
[schedule of accounts written chq.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** 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 27th June 2014.

**COMMENTS/OPTIONS/DISCUSSIONS**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT24181-EFT24684	6,836,692.08
	<b>Total</b>	<b>\$6,836,692.08</b>
Cheque Payments	22934-22997	118,966.10
Manual Chq Payments	152-178	106,294.13
	<b>Total</b>	<b>\$225,260.23</b>
	<b>GRAND TOTAL</b>	<b><u>\$7,061,952.31</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  
EFT22943, EFT22962

CANCELLED CHEQUES & EFTS  
167,168,169,171

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### 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 \$7,061,952.31

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/08**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Craig Hoyer**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT24181-EFT24684	6,836,692.08
	<b>Total</b>	<b>\$6,836,692.08</b>

Cheque Payments	22934-22997	118,966.10
Manual Chq Payments	152-178	106,294.13
	<b>Total</b>	<b>\$225,260.23</b>

	<b>GRAND TOTAL</b>	<b><u>\$7,061,952.31</u></b>
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**CARRIED**  
**RECORD OF VOTE: 9 - 0**

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

### 9.2.7 CAPE KERAUDREN PROPOSED LAND EXCISION

Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Glenn Britton Manager Assets and Procurement
Location/Address:	Reserve 39135 - Cape Keraudren
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

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### REPORT PURPOSE

To consider a proposal from the Department of Parks and Wildlife to excise land from Cape Keraudren Reserve for inclusion into their adjoining "Marine Park".

### BACKGROUND

Since 1985, Shire of East Pilbara is the Primary Interest Holder of Crown Reserve 39135 at Cape Keraudren, held for the purpose of "Recreation". The reserve has an area on 4,800 hectares which is used as a Camping Ground.

Cape Keraudren is classified as a "Nature Based Park" under the *Caravan and Camping Grounds Act 1995*. Local Governments (within its district) may operate a Caravan Park/Camping Ground without a license, but has an inferred responsibility to comply with the Act and Regulations.

At its meeting on 16 December 2009, Council supported the indicative management plan for the proposed Eighty Mile Beach Marine Park, which incorporates Cape Keraudren. The report was supported on the basis that the Marine Park plan's did not impact on the management of the Cape Keraudren camping area.

At its meeting on 27 September 2013, Council accepted the 'Cape Keraudren Recreation Management Plan' which provides many recommendations to management direction for the Reserve into the future.

Referred in the 'Cape Keraudren Recreation Management Plan'

#### **9.3.1 Option 10 – Transfer Management to another Government Agency**

*Cape Keraudren Reserve occupies part of the Ramsar Wetland and is adjacent to the proposed Eighty Mile Beach Marine Park, both of which are to be managed by Department of Environment and Conservation (DEC). The Conservation Commission could be approached to consider including the reserve in its conservation estate, with DEC taking over management of Cape Keraudren Reserve as a Conservation Park. Factors in favour of this option:*

*The proposed marine park goes to High Water Mark elsewhere along the coast but abuts the reserve at Low Water Mark, and the mangroves in the reserve have high conservation value;*

*Most visitors to Cape Keraudren reserve will interact with the Ramsar Wetland and proposed marine park, so the reserve functions as an entry point to both;*

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*The camping and recreation opportunities on the reserve could be made similar to the style of facilities DEC provides in other coastal national parks. However, as DEC managers for this area are based in Broome it is likely there would be a number of issues to address before DEC could take over management of the reserve, particularly the resourcing of this management.*

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

The Shire received a letter of 15 November 2013 from the Department of Parks and Wildlife requesting comments on a proposal to amend the boundaries of the Cape Keraudren Reserve to exclude intertidal areas.

Department of Parks and Wildlife suggests that the proposal :

- Would not impact on the Shire's management of the camping facilities; and
- Would compliment the Shire's existing management strategies.

Department of Parks and Wildlife considers that the proposal will result in:

- Simpler management for visitors
- More practical boundaries
- Promotion of the area
- Additional dedicated marine park resources

Department of Parks and Wildlife suggest that if the Shire is supportive of the proposal, a meeting should be arranged to discuss the various elements in detail.

Shire comments on the proposal are:

- There is a large area proposed to be excised from the Reserve however the land is predominantly intertidal and mangroves which do not directly impact the Shire's camping uses;
- It is usual that land boundaries are created at the high water mark of the ocean/river (as currently exists); however at Cape Keraudren Reserve the boundary is established at the low water mark. Given the tidal size, this suggests that the Shire is responsible for the management of the offshore reef (visible at low tide). The reef is better managed by Department Parks and Wildlife;
- The Shire is currently completing an environmental report to consider the existing and possible alternative locations for the boat ramp. Within the proposal, the Shire is proposed to retain an intertidal area around the existing boat ramp, however given the future position of that boat ramp is unclear;
- The Shire has concerns on possible limitations to recreational fishing;
- There are concern's with respect to the fashion on which the Reserve is proposed to be broken up (apparently from a height datum) and the number of land islands created for the Shires management. These land islands do not have access to the property and can only be accessed through the proposed Marine Park Reserve;
- Council should be mindful of comments within the 'Cape Keraudren Recreation Management Plan'.

The Shire's Chief Executive Officer has had informal discussions on the matter with the Department of Parks and Wildlife.

**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)

**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.

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

**THAT Council supports finalising terms of agreement with the Department of Parks and Wildlife for the excision of Reserve 39135 to be included in adjoining Marine Park.**

**COUNCIL RESOLUTION: 201415/09**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Dean Hatwell**

**THAT**

- 1) the item be deferred to the next meeting of Council and;**
- 2) the Department of Parks and Wildlife be invited to discuss the matter with Council.**

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

**Reason for Non Acceptance of Officer’s Recommendation: Councillors requested further information by the Department of Parks and Wildlife.**

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

### 9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

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

10:40 AM Ms Sian Appleton left Chambers.

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

#### POLICY IMPLICATIONS

Nil

#### 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: 201415/10**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Dean Hatwell**

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

<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. Officers to allocate resources to develop themes and seek funding	Pending
23 August 2013	13.6	STREET NUMBERING MARBLE BAR Cr Stephen Kiernan asked what was happening in regards to the street numbering in Marble Bar.	DTDS	Street plates to be ordered and will be held at Marble Bar Office	Complete
14 March 2014	13.11	ROGERS WAY NEXT TO AQUATIC CENTRE Cr Anita Grace asked if it was possible to have speed signs erected as there is a lot of traffic speeding and fears someone is going to be hit coming out from the Aquatic Centre. Director Technical and Development Services to follow up.	MTS-N	Work Order to be raised for action – 40km/h speed signs to be ordered and area to be monitored	Complete
24 April 2014	13.4	FIRE STATION NEWMAN RECLAIM WATER Cr Doug Stead has asked about reclaim water for the greening of the Newman	DTDS	Written application by Newman Fire Station to SOEP. – Verbal advice will be provided on	In Progress



<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>
		Fire Station. Director Technical and Development Services to follow up.		process	
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.	DTDS	DTDS has inspected. A works request will be raised to carry out minor repairs to make safe	In Progress
23 May 2014	13.6	ROAD VERGE – VISITORS CENTRE TO WHALEBACK MINESITE Cr Gerry Parsons asked who was responsible for the roadside from the visitors centre to Mt Whaleback Minesite as the vegetation is over grown and requires cutting back. Director Technical and Development Services said the Shire is responsible for this and will follow up on the query.	DTDS	A Works request has been raised and works expected to be complete by end of July	Complete
27 <sup>th</sup> June 2014	13.1	SHIRE OF EAST PILBARA – CATAPILLAR 140M GRADERS Cr Lang Coppin asked if Council could receive a report on the performance of the Shire of East Pilbara, Caterpillar 140m Grader's. Mr Rick Miller, Director Technical and Development Services to prepare a report for consideration.	DTDS	A Confidential report will be tabled for reading prior to budget meeting	24/07/2014
27 <sup>th</sup> June 2014	13.2	RUBBISH BUILDING MATERIALS Cr Anita Grace asked if the building material between the Anglican Church and Pit Stop the land in the middle be cleaned up or removed. Mr Rick Miller, Director Technical and Development Services to follow up.	MDS-P MDS-B	Managers to investigate and action	In Progress
27 <sup>th</sup> June 2014	13.3	RUBBISH BIN – RADIO HILL Cr Shane Carter asked if the rubbish bin can be replaced on radio hill as it is missing, location near the	DTDS	A Works Request will be raised	In Progress

<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>
		car park. Mr Rick Miller, Director Technical and Development Services to follow up.			
27 <sup>th</sup> June 2014		<b>SOLAR LIGHTS - RADIO HILL</b> Cr Shane Carter asked if the solar lights can be replaced or repaired on Radio Hill as some ground are broken or not working. Mr Rick Miller, Director Technical and Development Services to follow up.	CBS	A Works Request will be raised to assess costs and options.	In Progress
27 <sup>th</sup> June 2014		<b>ROCK WALL – RADIO HILL</b> 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	A Works Request will be raised	In Progress
27 <sup>th</sup> June 2014	13.7	<b>MARBLE BAR 50KMS SPEED SIGN</b> Cr Dean Hatwell asked if the Shire of East Pilbara can follow up to Main Roads regarding the 50kms speed limit and signs to be put up on the main street of Marble Bar. Mr Rick Miller, Director Technical and Development Services to follow up.	DTDS	MRWA advise they are installing in July 2014	End July
27 <sup>th</sup> June 2014	13.10	<b>DOG CONTROL NULLAGINE</b> Cr Biddy Schill asked if the Rangers could come to Nullagine more often as there is a problem with dogs roaming the streets. Mr Paul Dickson, Manager Community Safety to follow up.	MCS	Rangers have arranged to attend on a more regular basis to engage with community members to remove problem dogs	Complete
27 <sup>th</sup> June 2014	13.11	<b>RUBBISH TIP – MARBLE BAR</b> Cr Kevin Danks said the Marble Rubbish Tip is nearly fill and has the Shire identified another area for a rubbish tip. Mr Rick Miller replied the Shire has already identified the possibility of extending the life of the rubbish tip and this will also include a section for asbestos	DTDS MTS-R	Noted and will considered in future tip extensions	Complete

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		disposal.			

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

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

### 9.3.2 AAA NATIONAL CONVENTION, AGM, GALA DINNER AND TECHNICAL WORKSHOPS

**File Ref:** FAC 1-5  
**Attachments:** [AAA National Conference Program 2014.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Leon Burger  
Chief Operating Officer-Airports  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

10:50 AM Ms Sian Appleton returned to the Chambers

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#### REPORT PURPOSE

To determine Council and shire representatives to attend the Australian Airports Association's Annual National Conference, AGM, Gala Dinner and Technical Workshops for 2014. This convention is to be held by the Australian Airports Association on the Gold Coast from Sunday 23 November to Thursday 27 November 2014, with the last two days being technical workshops.

#### BACKGROUND

The Shire of East Pilbara is a member of the Australian Airports Association. This convention is an annual event that provides the opportunity for Council and shire representatives to meet with other airport, airline and regulatory figures that share common issues and interests we experience with the operation of shire owned and operated airports.

#### COMMENTS/OPTIONS/DISCUSSIONS

The conference is a well-attended conference by delegates from Councillors, middle management to senior management that, allows networking and discussions from day to day issues through to current and strategic issues. This year's convention is to be held over five days in the Gold Coast Convention & Exhibition Centre, Gold Coast, Queensland:

##### **Sunday 23 November 2014**

##### **Optional leisure and sporting events for early arrivals**

1700 – 1900: Welcoming Function

##### **Monday 24 November 2014**

0900 – 1730: National Convention & Industry Exhibition

1900 - 2300: Networking Function

##### **Tuesday 25 November 2014**

0915 – 1630: National Convention & Industry Exhibition

1630 - 1715: AAA AGM

**AAA National Airport Industry Awards 2014 & Gala Dinner**

Evening 1900 - 2330

**Wednesday 26 November 2014**

0915 - 1700: Technical Workshops & Industry Exhibition

1830 - 2230: Networking Function

**Thursday 27 November 2014**

0915 - 1700: Technical Workshops & Industry Exhibition

**Friday 28 November 2014**

Optional Gold Coast Airport Tour

The full program for the convention and workshops is attached. Allowance has been made in the draft budget for two management staff members to attend the full program. Tentative accommodation bookings have made for an additional three nominated Councillors and/or shire representatives at the Jupiters Gold Coast. Accommodation bookings have to be confirmed by 15 August 2014. Early Bird and group discounts for program registration is available and maximum cost benefit can be achieved by registering and paying before 31 August 2014.

Cost estimates for up to 5 people at Early Bird rates are:

- |                                |                    |
|--------------------------------|--------------------|
| • 5 x Registration Day 1 & 2:  | \$ 4,350.00        |
| • 2 x Registration Day 3 & 4:  | \$ 2,190.00        |
| • 5 x Gala Dinner and Awards   | \$ 750.00          |
| • 3 x Accommodation (4 nights) | \$ 2,380.00        |
| • 2 x Accommodation (6 nights) | \$ 2,388.00        |
| • 5 x Return flights           | \$ 7,500.00        |
|                                | <b>\$19,558.00</b> |

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**1.11 SHIRE PRESIDENT & COUNCILLORS – ATTENDANCE FEES, EXPENSES & ALLOWANCES**

**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**

Resource requirements are in accordance with draft budgetary allocation FY 2014/15 Function 12 Airports budgetary allocation for two airport management staff members to attend the full program. No budgetary allowance for additional members has been made from the airports' budget.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/11**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Stephen Kiernan**

1. **THAT Council authorises the CEO to nominate Shire Officers to attend the full program over period 23 to 27 November 2014.**
2. **THAT Council authorise Cr Lang Coppin and Cr Anita Grace to attend the 2014 AAA Convention and Gala Event over period 23 to 25 November 2014.**

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

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

### 9.3.3 DOG AMENDMENT REGULATIONS

<b>Attachments:</b>	<a href="#">Dog Exercise Areas</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Andrew Norris</b> <b>Coordinator Ranger and Emergency Services</b>
<b>Location/Address:</b>	<b>Location/Address</b>
<b>Name of Applicant:</b>	<b>Not Applicable</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To ensure compliance with the Dog Amendment Regulations 2014 - changes affecting local laws.

### BACKGROUND

The Shire of East Pilbara local laws establish dog exercise areas, or prohibit dogs absolutely from areas, under the local government's control. From 1 November 2013 the Dog Amendment Act removed a local government's ability to make local laws in respect of these two areas.

In order to relieve local governments from having to remove these provisions from their local laws by following the local lawmaking process set out in section 3.12 of the *Local Government Act* 1995 - the Dog Regulations provide a sunset date (31 July 2014) for the operation of those clauses. This means that if a local government has a local law containing clauses which establish dog exercise areas, or prohibit dogs absolutely from areas; these clauses will be inoperable from 31 July 2014.

Should local governments wish to establish exercise areas or specify places where dogs are prohibited, they must now do so via a council resolution (by absolute majority) in accordance with amended section 31 of the *Dog Act* 1976 rather than through a local law.

### COMMENTS/OPTIONS/DISCUSSIONS

Those clauses of the Dogs Local Law 2011 referring to prohibited areas and exercise areas will have no effect from the 14 July 2014. New Sections and subsections from the Amended Dog Act 1976 are now applicable. Those Sections are contained under Section 31. 'Control of dogs in certain public places'. The Sub-sections 31(1) to 31(5) prescribes the various conditions and permutations for specifying these areas.

To allow for suitable public notification under Section 31(3C) (28 days prior to specifying an area) a notice was placed in the Northwest Telegraph newspaper and on public Notice Boards in mid June 2014.

Council may now lawfully specify prohibited and exercise areas by resolution without the need for a local law or gazettal, provided that the advertising period prior to each specification is observed.

Under the current Local law the following areas were prohibited absolutely:

- (a) a public building, unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) all food premises and food transport vehicles;
- (d) a public swimming pool;
- (e) a public toilet block or changing room; and
- (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.
- (g) an area set aside by a wall or fence as a children's playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus

And the following areas were designated exercise areas subject to the advertised conditions:

- (a) Newman - Reserve 38372, Capricorn Oval, Thulluna Crescent
- (b) Newman - Lot 840 Boorthanna Crescent
- (c) Newman - Reserve 38512, Boomerang Oval, Newman Drive
- (d) Nullagine - Reserve 23348, 167 Cooke Street, Nullagine
- (e) Marble Bar - Reserve 29882, 230 General Street, Marble Bar

Conditions where and when exercise areas do not apply –

- (a) an area set aside by a wall or fence as a children's playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus;
- (b) an area within 10 metres of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use; or
- (c) a car park, thoroughfare, access way or right of way.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

### **LOCAL GOVERNMENT ACT 1995**

Part 1 - Introductory matters 1.7. Local public notice (pg. 8)

Part 1 - Introductory matters 1.9. Decisions by absolute majority (pg. 9)

### **DOG ACT 1976 (As Amended)**

Section 31 - Control of dogs in certain public places.

Section 31(5) - A local government must specify dog exercise areas.

Local Governments are required to give 28 days' notice of the intention to specify dog prohibited areas or dog exercise areas. Once the council resolution has been passed, the local government should inform the public of the new restrictions via appropriate signage at relevant public places, on their website and on Council noticeboards.



## **POLICY IMPLICATIONS**

N/A

## **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 2 – Social – Planned Actions**

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

- 2.1 Health and recreation
  - 2.1.1 Promote safe and healthy communities  
Responsible officer: MCW  
Timing: 1-3 years
  - 2.1.2 Encourage active lifestyles  
Responsible officer: MCW  
Timing: 1-3 years
  - 2.1.3 Encourage high rates of participation in community activities and events  
Responsible officer: MCW  
Timing: 1 year

## **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

## **VOTING REQUIREMENTS**

Absolute majority

## **OFFICER'S RECOMMENDATION**

**THAT Council**

1. **Declare the following areas dog prohibited areas:**
  - (a) **a public building, unless permitted by a sign;**
  - (b) **a theatre or picture gardens;**
  - (c) **all food premises and food transport vehicles;**
  - (d) **a public swimming pool;**

- (e) a public toilet block or changing room; and
  - (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.
  - (g) an area set aside by a wall or fence as a children's playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus;
2. Declare the following areas dog exercise areas subject to the conditions and restrictions as specified
- a) Newman - Reserve 38372, Capricorn Oval, Thulluna Crescent
  - b) Newman - Lot 840 Boorthanna Crescent
  - c) Newman - Reserve 38512, Boomerang Oval, Newman Drive
  - d) Nullagine - Reserve 23348, 167 Cooke Street, Nullagine
  - e) Marble Bar - Reserve 29882, 230 General Street, Marble Bar

Conditions where and when exercise areas do not apply:

- a) an area set aside by a wall or fence as a children's playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus;
  - b) an area within 10 metres of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use; or
  - c) a car park, thoroughfare, access way or right of way. and;
3. This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth) section 9(2)*.

**COUNCIL RESOLUTION: 201415/12**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Dean Hatwell**

**THAT Council**

1. Declare the following areas dog prohibited areas:
- (a) a public building, unless permitted by a sign;
  - (b) a theatre or picture gardens;
  - (c) all food premises and food transport vehicles;
  - (d) a public swimming pool;
  - (e) a public toilet block or changing room; and
  - (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.
2. Declare the following areas dog exercise areas subject to the conditions and restrictions as specified
- a) Newman - Reserve 38372, Capricorn Oval, Thulluna Crescent
  - b) Newman - Lot 840 Boorthanna Crescent
  - c) Newman - Reserve 38512, Boomerang Oval, Newman Drive
  - d) Nullagine - Reserve 23348, 167 Cooke Street, Nullagine
  - e) Marble Bar - Reserve 29882, 230 General Street, Marble Bar

Conditions where and when exercise areas do not apply:

- a) an area within 10 metres of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use; or
  - b) a car park, thoroughfare, access way or right of way. and;
3. This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth) section 9(2)*.
  4. That a review be undertaken of the dog prohibited areas and a further report submitted to Council.

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 9 - 0

Reason for Non Acceptance of Officer's Recommendation: Council requested item 1 (g) to be deleted

~~(g) an area set aside by a wall or fence as a children's playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus; and;~~

Item 2 (a) to be deleted in Conditions where and when exercise areas do not apply:

~~a) an area within 10 metres of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use; or;~~

Item 4 to be included in the resolution

- 4 That a review be undertaken of the dog prohibited areas and a further report submitted to Council.

Council felt that a number of the dog exercise areas included playground equipment and required further information to make an informed decision.

To be actioned by Mr Andrew Norris, Coordinator Ranger & Emergency Services.

**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 TENDER RFT12-2014/15 – PROVISION OF LANDSCAPE MAINTENANCE  
SERVICES BE ACCEPTED AS AGENDGA ITEM 11.1.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/13**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Craig Hoyer**

**THAT the agenda report RFT 12-2014/15 Provision of Landscape Maintenance  
Services be accepted as item 11.1.1**

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

**11.1.1 TENDER RFT 12 1415 – PROVISION OF LANDSCAPE MAINTENANCE SERVICES**

**File Ref:** LEG  
**Attachments:** Confidential under separate cover  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Rick Miller  
Director Technical and Development Services  
**Proposed Meeting Date:** 25 July 2014  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

11:17 AM Cr Doug Stead left Chambers.  
11:18 AM Mr Allen Cooper left Chambers.  
11:19 AM Cr Doug Stead returned to Chambers  
11:27 AM Cr Kevin Danks left Chambers  
11:29 AM Cr Kevin Danks returned to Chambers  
11:30 AM Mr Allen Cooper returned to Chambers  
11:35 AM Cr Stephen Kiernan left Chambers

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**REPORT PURPOSE**

For Council to consider tenders for the provision of Landscape Maintenance Services in support of the shire's Parks team for Newman Townsite and Aerodrome and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

**BACKGROUND**

Council as part of its annual maintenance program of Townsite and Airport Landscape areas, including, verges, gardens, parks and Public Open Space areas has successfully been engaging suitable contractors to support shire personnel in the delivery of these services on a part time trial basis. These services are funded through the relevant operational accounts in the adopted budget.

To continue these services it is now required to advertise a tender and Council engaged the procurement consultancy service of WALGA to undertake the procurement for the provision of Landscape maintenance services for the Shire of East Pilbara.

The request for tenders was advertised in the West Australian and the WALGA TenderLink e-Tendering Portal on 21 June 2014.

The request for tenders closing date was Wednesday 9 July 2014. Three (3) tender submissions were received from the following companies:

Landscaping WA, Morris Corporation and Environmental Industries.

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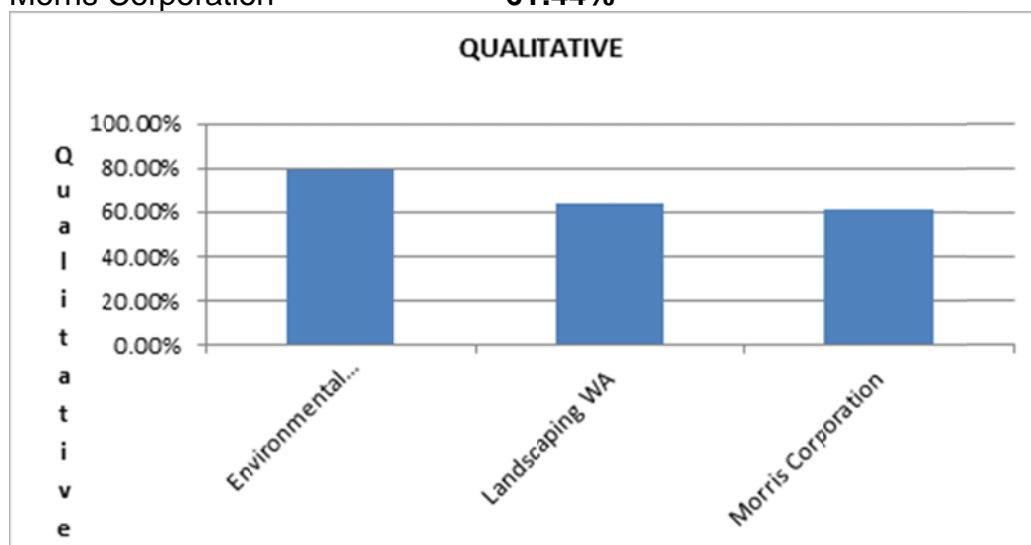
**COMMENTS/OPTIONS/DISCUSSIONS**

The Shire of East Pilbara is a vibrant progressive community which has seen expansion and development of new public open spaces, parks and gardens with the ongoing development of the townsite, subdivisions and airport. To meet community expectations and deliver a quality level of service the contract will provide a good balance by having specialist landscape contractors working in conjunction with shire personnel. This will allow the ongoing delivery of a high level of amenity of our new and existing infrastructure for a period up to 4 years upon satisfactory performance. The contract objective is to obtain optimum value and standard of servicing provision for the public open spaces, parks, verges, streetscapes, building surrounds and public access ways.

The tender evaluation assessed each submission against a set of qualitative criteria being; Experience and Capacity, Personnel/Locality, Performance and Plant and Equipment. This was then considered in conjunction with the submitted schedule of rates.

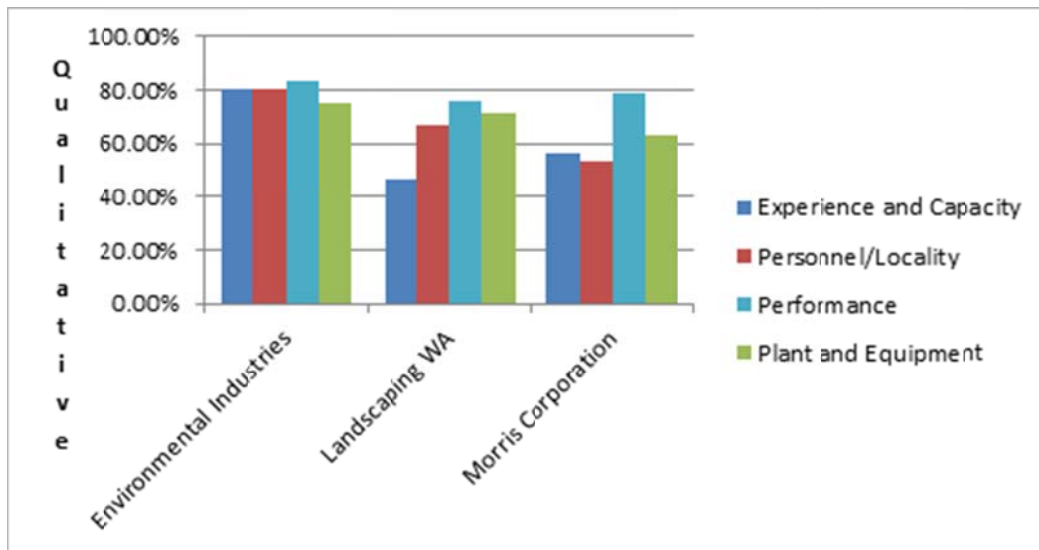
The breakdown and aggregated weighted scores by the evaluation panel are detailed below.

<b>Environmental Industries</b>	<b>79.67%</b>
Landscaping WA	<b>63.44%</b>
Morris Corporation	<b>61.44%</b>



**Breakdown**

	Experience and Capacity	Personnel/Locality	Performance	Plant and Equipment
Environmental Industries	80.00%	80.00%	83.33%	75.00%
Landscaping WA	46.67%	66.67%	75.56%	71.67%
Morris Corporation	56.67%	53.33%	78.89%	63.33%



Value for money and costings for the delivery of service also formed part of the assessment and consideration. The full assessment contained in the recommendation report is attached under separate confidential cover.

### STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996. Part 3 – Functions (Division 3 – Executive functions) 3.57 Tenders for providing goods or services.

### POLICY IMPLICATIONS

#### 10.12 PURCHASING AND TENDER PROCEDURES

##### Objective

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

##### Purchase Procedures

##### NOTE: All Figures in this policy are exclusive of GST

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

**Capital Expenditure**

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

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

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

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

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



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

### **Orders for Goods & Services**

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$100,000. If the purchase is in excess of \$100,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$30,000. If the purchase is in excess of \$30,000 a requisition is to be authorised by their supervisor prior to the order being issued;

1. Managers
2. Coordinator Property Services

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

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

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to a maximum value of \$2,000:

1. Duty Officers – Newman Aquatic Centre
2. Team Leader – Works Crew (Newman)
3. Field Officer and client Services – Martumili
4. Technical Services Administration Officer
5. RPT Bus Driver

6. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
7. Asset and Procurement Officer

### **Light Vehicle Purchases**

The designated Fleet Officer is authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Council's Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

### **Consultants Services**

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

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

### **Light Vehicle Disposals**

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

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

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

### **Regulatory Compliance**

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

1. An emergency situation as defined by the Local Government Act 1995;

2. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
3. The purchase is under auction which has been authorised by Council;
4. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
5. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
6. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.

#### **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.

#### **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

##### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

##### **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/14

MOVED: Cr Doug Stead

SECONDED: Cr Anita Grace

THAT Council:

1. Award Tender RFT 12–2014/2015 for the Provision of Landscape Maintenance Services to Environmental Industries for the period of 2 years with the option to extend by a further 2 x 12 months period, as per tendered areas for the annual lump sum amount of \$ 313,415.96 inclusive of GST.
2. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Environmental Industries with respect to this tender.

CARRIED  
RECORD OF VOTE: 8 - 0

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

11:39 AM Cr Stephen Kiernan returned to the Chambers

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

Nil

## **13 GENERAL BUSINESS**

### **13.1 MAP OF BOUNDARY NEWMAN CLUB AND BEACH**

Cr Doug Stead asked if it was possible to obtain a detail map of the boundaries of the Newman Club and the Beach.

Ms Sian Appleton, Deputy Chief Executive Officer to follow up.

### **13.2 BLOODY SLOW CUP**

Cr Anita Grace said the Bloodyslow cup 2014 will be held on 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> October 2014.

### **13.3 MUSTERING SEASON**

Cr Doug Stead asked if it was possible to advertise regarding drivers to take care at this time while it is mustering season.

Mr Allen Cooper, Chief Executive Officer replied if it was on a state controlled road it is up to Main Roads WA and the WA Police to control.

### **13.4 EQUIPMENT AT MARBLE BAR DEPOT**

Cr Kevin Danks enquired as to why there is so much heavy construction equipment in the Marble Bar Depot.

Mr Rick Miller, Director Technical and Development Services responded that due to the loss of some employees the construction crew has been merged with the maintenance crew and that is why some of the equipment is in the depot at the moment.

### **13.5 MARBLE BAR TOURIST ASSOCIATION SIGNS**

Cr Dean Hatwell said at the Marble Bar Tourist Association committee meetings the Tourist Signs is always on the agenda and is it possible to speak with the Marble Bar Tourist Association to clarify which signs can be put up for Tourists.

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

### **13.6 ADSL MARBLE BAR**

Cr Stephen Kiernan asked if Newman is getting ADSL and if Marble Bar could get ADSL due to the internet problems as discussed at the March Council Meeting Presentation by Marble Bar Community Resource Centre.

Mr Allen Cooper, Chief Executive Officer to provide response received from Telstra.

**14 DATE OF NEXT MEETING**

22nd August 2014, Newman

**15 CLOSURE**

11:54 AM