



## **EAST PILBARA SHIRE COUNCIL**

# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council will be held,  
in Council Chambers, Newman,  
10.00 AM, FRIDAY, 25 MAY 2012.

**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**

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

**2.1 ATTENDANCES**

Councillors

Cr Lang Coppin  
Cr Shane Carter  
Cr Craig Hoyer  
Cr Doug Stead  
Cr Darren Bennetts  
Cr Kevin Danks  
Cr Sue Owen  
Cr Stephen Kiernan

Deputy Shire President

Officers

Mr Allen Cooper  
Mr Rick Miller  
  
Mrs Sheryl Pobrica

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

Public Gallery

**2.2 APOLOGIES**

Councillor Apologies

Cr Lynne Craigie  
Cr Anita Grace  
Cr Gerry Parsons

Shire President

Officer Apologies

Sian Appleton

Deputy Chief Executive Officer

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes April 27 2012 Council.DOC](#)

**OFFICER'S RECOMMENDATION**

**THAT the minutes of the Ordinary Meeting of Council held on 27 April 2012, be confirmed as a true and correct record of proceedings.**

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7.2 PILBARA REGIONAL COUNCIL MINUTES 30<sup>TH</sup> APRIL 2012

[Minutes April 27 2012 Council.DOC](#)

**OFFICER'S RECOMMENDATION**

**THAT the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 30 April 2012, be received.**

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**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

**8.2 ITEMS FOR INFORMATION**

## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 EXECUTIVE SERVICES - STATUS OF COUNCIL DECISIONS APRIL 2012

**File No:** CLR 4-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*  
*Section 2.7*  
*The role of the council*

(1) *The council –*

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

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

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

#### POLICY IMPLICATIONS

Nil

#### PLAN FOR FUTURE OF THE DISTRICT

**Goal 3 - Community Leadership**

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To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT the "Status of Council Decisions" – Executive Services report for April 2012 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>
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	With WAPC for Final Approval	On Going
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	Awaiting utility connection	July 2012
16 December 2011	9.1.9	PLANNING APPLICATION FOR PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET	MDS-P	Forwarded to DRDL for approval – applicant advised	July 2012
3 February 2012	9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	ESAO	Will need to be advertised when approved by the WA Governor - still waiting response.	Awaiting Response
3 February 2012	9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	CPS		On Going
3 February 2012	11.1.1	RESIDENTIAL INFILL PROGRAM (LAZY LANDS), NEWMAN – PREPARED BY THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	CEO	Draft Tender documents prepared	On Going
23 March 2012	9.1.10	PROPOSED ROAD CLOSURE OF ROAD BOUND BY LOTS 1, 2 & 1315 NEWMAN DRIVE AND LOT 1346 MACKAY STREET, NEWMAN	MDS-P	Forward to DRDL for approval – applicant advised	July 2012
23 March 2012	13.11	MARBLE BAR TOWN SPLIT WHEN FLOODING Cr Stephen Kiernan said when there is a significant amount of rain, the town of Marble Bar splits into two because the creek cuts the town. This causes a problem with LEMC and how to get the residents to shelters. Coordinator Ranger and Emergency Services to follow up.	CRES	This should be addressed through MB LEMC to find/seek suitable solutions and request to SOEP to implement.	On Going
27 April 2012	9.1.6	STALLHOLDER AND STREET TRADING POLICY	MDS-H	Amendment to Policy at May Meeting	May 2012

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<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>
27 April 2012	9.1.7	POWER TO LEASE - RESERVE 44274 & 40409	MDS-P	Forwarded to DRDL for approval	July 2012
27 April 2012	12.1.1	ANNUAL PERFORMANCE REVIEW APPRAISAL- CHIEF EXECUTIVE OFFICER	CEO	With Shire President	

**9.1.2 PROPOSED GROUPED DWELLING - LOT 1747 (#7) NIMINGARRA DRIVE,  
NEWMAN**

**File No:** A418470  
**Attachments:** [Lot 1747 Nimingarra.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** 7 Nimingarra Drive, Newman  
**Name of Applicant:** Thermal Comfort Homes  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for a proposed grouped dwelling development which is situated outside of the Interim Residential Development Policy area.

**BACKGROUND**

An application has been received which proposes a two (2) dwelling grouped development at the subject lot. It is proposed that the existing house on the block will be repositioned to the rear half to allow for the installation of a new dwelling to the front half of the subject lot. The subject lot is zoned Residential with an R-Coding of R15/40. The block has a total area of 817m<sup>2</sup>.

**COMMENTS/OPTIONS/DISCUSSIONS**

The proposal is located outside of the Interim Residential Development Policy area which stipulates certain areas of the Residential zoned land within the Newman Townsite which can be developed to the higher R40 density coding. It is noted that Council has previously approved such developments outside of the Policy area. However, it is still a requirement that developments outside of the Policy area achieve the objectives of the Policy to ensure that development is consistent throughout Newman.

Where approval is sought for development above the base R15 coding, the proposal must respond to the following Policy objectives:

- Enhancement of the existing streetscape;
- A high quality of built form;
- Passive surveillance of the public realm (both streets and open space); and
- Integration of development at the higher density code with adjoining development at the base density code.

In relation to the proposed development and after assessment of the submitted plans, it is deemed that the proposal is consistent with the Policy and achieves the above mentioned objectives. The proposal is consistent with the Residential Design

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Codes with regards to acceptable development criteria and that the proposal is at a density of between R20 and R25.

The applicant has also provided a plan detailing the proposed landscaping to the subject lot which is compliant with Council's Policy regarding landscaping for residential development.

It is therefore recommended that Council grant approval to the proposed development.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

The applicant/owner will have a right of review to the State Administrative Tribunal should they feel aggrieved by Council's decision.

**POLICY IMPLICATIONS**

Interim Residential Development Policy.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product  
Ongoing – Lobbying/Advocacy role  
Responsible Directorate – Executive and Development and Regulatory Services

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council approves the proposed Grouped Dwelling development at Lot 1747 Nimingarra Drive, Newman subject to the following conditions:**

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 2. The dwelling to be retained on site shall be brought up to an acceptable external appearance and standard similar to the proposed new dwelling and/or to the satisfaction of the Manager Development Services – Planning;**
- 3. All crossovers being constructed in accordance with the specifications of Council's crossover policy and to the satisfaction of the Shire of East Pilbara;**
- 4. Prior to the commencement of the development, details of the proposed colours and textures of the dwelling(s) shall be submitted and approved by the Manager Development Services – Planning;**
- 5. Landscaping shall be in accordance with the approved plan and shall be fully installed prior to occupancy and satisfactorily maintained thereafter; and**
- 6. Fencing on the front boundary shall not be installed and any fencing forward of the building line on either side boundary shall be reduced to 750mm in height;**

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**9.1.3 APPOINTMENT OF CHAIRPERSON – LOCAL EMERGENCY  
MANAGEMENT COMMITTEES NULLAGINE AND MARBLE BAR**

**File No:** ORG 23-6  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Andrew Norris  
Coordinator Ranger and Emergency Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council are required to appoint a Chairperson for the Nullagine and Marble Bar Local Emergency Management Committees. (Emergency Management Act 2005).

**BACKGROUND**

Under current Legislation, Council is required to appoint a chairperson to the Nullagine and Marble Bar local Emergency Management Committees.

**COMMENTS/OPTIONS/DISCUSSIONS**

It is proposed that Sergeant Peter Vale be appointed to this position in Marble Bar. (Sergeant Peter Vale is the Marble Bar Local Emergency Coordinator) and that Sergeant Graeme Bond be appointed as Chairperson to the Nullagine LEMC. (Sergeant Graeme Bond is the Nullagine local Emergency Coordinator).

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Section 38 (3) Emergency Management Act 2005

(3)A local emergency management committee consists of —

- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
  - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

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To Provide Sound Leadership and Strong Representation

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. THAT Council approves the appointment of Sergeant Peter Vale to the position of chairperson for the Marble Bar Local Emergency Management Committee (LEMC).**
- 2. THAT Council approves the appointment of Sergeant Graeme Bond to the position of chairperson for the Nullagine Local Emergency Management Committee (LEMC).**

#### 9.1.4 ADMENDMENT TO THE STALLHOLDER AND STREET TRADING POLICY

**File No:** LEG 5-6  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Edmore Masaka  
Manager Development Services - Health  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To consider an amendment to a policy to facilitate trading in public places within the Shire of East Pilbara.

#### BACKGROUND

The Shire of East Pilbara Public Places and Local Government Property Local Law was gazetted on 3 February 2012. One of the purposes of this local law is the control of activities and trading in thoroughfares. On 27 April 2012, Council considered and adopted a policy to facilitate this trading in Public Places.

#### COMMENTS/OPTIONS/DISCUSSIONS

The current Stallholder and Street Trading Policy does not provide for the exemption upon application of not for profit and community organisations from conducting their fundraising trade activities on public land without acquiring a licence as provided in subclause 2 of clause 3.1 of The Shire of East Pilbara Public Places and Local Government Property Local Law

#### STALLHOLDER AND STREET TRADING POLICY AMENDMENT

*First Bullet point under APPLICATION TO CONDUCT A STALL OR TRADE IN A PUBLIC PLACE to read;*

*“The appropriate application fees as periodically adopted in the Shire of East Pilbara’s Fees and Charges Schedule and/or any applicable legislative provision except in the case of food businesses conducted as fundraising events and exempted in accordance with the provisions of Section 109 of the Food Act 2008 or not for profit and community organisations which have applied as required by subclause (2) of clause 3.1of the Public Places and Local Government Property Local Law 2011, and obtained exemption from complying with the provisions of Subclause (1) of clause 3.1 of the same local law.”*

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Shire of East Pilbara Public Places and Local Government Property Local Law 2012".

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

**FINANCIAL IMPLICATIONS**

No financial resource impact

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council adopt the amendment to the Stallholders and Street Traders Policy**

STALLHOLDER AND STREET TRADING

Minute No: 9.1.6

Date: 27<sup>th</sup> April

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OBJECTIVES:

- To provide for the orderly operation of temporary trading activities within the Shire of East Pilbara and compliance with the requirements of Council's Local Laws;
- To ensure that temporary trading activities are carried out in a manner so as not to detract and or cause harm to the amenity of public places and safety of pedestrians and residents;
- To provide a service or commodity to the community without undue disruption to traffic or pedestrians;
- To provide clarity and guidance with regards to the preparation and assessment of Stallholder and Trader's Permits.

APPLICATION:

- This policy is to be read in conjunction with Council's Local Law relating to "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law";
- Where there is a discrepancy between this Policy and the Local Law, the Local Law shall prevail for the extent of such discrepancy;
- Shire employees shall have due regard to both Local Law and this Policy when assessing such application(s) made under the Local Law.

APPLICATION TO CONDUCT A STALL OR TRADE IN A PUBLIC PLACE:

All applications to conduct a Stall or Trade in a public place should be lodged with the Shire at least 10 days prior to the first day of intended trading with the exception of those applications to cater at Public Events which must be lodged at least 4 weeks before the event. (Late fees may apply to late applications)

All applications must be made on the prescribed form as prepared by the Shire's Environmental Health section and shall include all details as stated on the form including:

- ***The appropriate application fees as periodically adopted in the Shire of East Pilbara's Fees and Charges Schedule and/or any applicable legislative provision except in the case of food businesses conducted as fundraising events and exempted in accordance with the provisions of Section 109 of the Food Act 2008 or not for profit and community organisations which have applied as required by subclause (2) of clause 3.1 of the Public Places and Local Government Property Local Law 2011,***
-



*and obtained exemption from complying with the provisions of Subclause (1) of clause 3.1 of the same local law.*

- The appropriate application fees as periodically adopted in the Shire of East Pilbara's Fees and Charges Schedule and/or any applicable legislative provision.
- Full Name and address of the applicant/s;
- Specify location(s) in and/or on which the applicant wishes to conduct their business activity and is to include a site plan;
- Full details of the goods or services to be traded;
- Proposed days and hours of operation;
- Evidence of appropriate levels of public liability insurance;
- Construction details of the proposed stall and other items such as furniture, lighting provision of power that is proposed to be used in conjunction with such stall. The stall must comply with the attached pictorial presentation of a stall attached to the end of this policy.
- Where a fixed stall is proposed, the applicant must detail by way of a plan the position of such stall in relation to property boundaries, roads, footpaths, buildings and any other such structure;
- Where the stall is a vehicle, trailer or similar, details of such vehicle, trailer or similar in addition to a current copy of the Third Party Motor Vehicle Insurance;
- Where it is proposed to operate a stall or trade on land which is privately owned but considered a public place (e.g. Shopping Centre), the applicant must include a letter signed by the owner and/or occupier of such land granting the applicant to conduct such stall or trade from such premises.;
- Where it is proposed to operate a stall or trade on land which is a public place though owned by the State (not including the Local Government), the applicant must also include a letter signed by the relevant State department/agency in control of such land granting the applicant to conduct such stall or trade from such land.

**ADDITIONAL REQUIREMENTS FOR THOSE HANDLING (SUPPLY AND SALE)  
OF FOOD PRODUCTS:**

- A copy of a valid Food Business Notification/Registration certificate issued in accordance with the requirements of the Food Act 2008 (the Act) by the Shire of East Pilbara or any other Enforcement Agency as described in Section 8 of the Act.
  - Documentary evidence of the completion of an approved Food Safety Course by each food handler/s intending to handle food during the event/s. A free online Food Safety Course "I'M ALERT" can be accessed on the Shire's website. 'NB. Approved means approved by the Shire's Environmental Health Officer'
  - Once granted, the trading Permit must be conspicuously displayed in/at the stall at all times during trading.
-

**ADDITIONAL REQUIREMENTS FOR APPLICANTS INTENDING TO GIVE AWAY  
FOOD AT COMMUNITY AND PUBLIC EVENTS**

- Any applicant intending to handle and give away food at community and public events are required by this Policy to inform the Shire **at least four (4) days before the event**, clearly stating the food products they intend to handle as well as arrangements made for the safe handling of the food so as to enable the Shire Environmental Health Officer to make an assessment of the food risk involved and advise of appropriate food handling requirements. This is a precautionary measure and is in the interest of all concerned. It is not intended to inhibit activity.
- Any food stall used for the handling of food is required by this policy to comply with the minimum standards of a food stall as presented in the Shire of East Pilbara Temporary Food Stall Trading Conditions. Standards may vary according to the "Risk" level of the food.

**LOCATIONS FROM WHICH A STALL OR TRADING MAY BE PERMITTED:**

The following locations within the Newman town site are the preferred locations from which stalls and traders may conduct business:

1. The open parking area at the Capricorn Oval entrance west of the water storage tanks;
2. The Newman Visitors Centre Parking area;
3. Boomerang Oval Parking area (Paved area scheduled to be completed by July 2012)

Where an applicant seeks permission to conduct a stall or trade other than at the designated sites within Newman listed above, the applicant shall provide written justification and reasons for such request.

**APPLICATIONS IN RESPECT TO THE TOWNSITES OF MARBLE BAR AND  
NULLAGINE**

Any applications for Trading Approvals for the above town sites will be at the discretion of the Shire's Health and Planning staff and are subject to the applicant providing the relevant details as required as part of the normal application process.

**CONDUCTING A STALL OR TRADING AT A PUBLIC EVENT:**

Stalls and/or trading at a public event will only be approved where the applicant has received written permission from the event organiser and such permission is supplied with the application. For the purposes of an event organised by the Shire, approval is to be sought from the Shire's Community Wellbeing Department.

For large community events such as the Fortescue Festival and annual Race Days, it is preferable that all applications shall be coordinated, collated and submitted to the Shire by the event organiser at least **four (4) weeks prior to the event**. The event organiser may also choose to cover such stalls and traders under their public liability insurance as required for the entire event. Additionally, all event organisers are still expected to meet their Duty of Care obligations in ensuring the food safety of people attending the event.

**GROUND(S) ON WHICH APPLICATIONS MAY BE REFUSED:**

- The applicant is deemed not a fit or proper person to hold a permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Shire's Local Law or any other legislation considered pertinent to conduct their proposed business;
- The applicant proposes to conduct a stall in an area where stalls and trading is not permitted;
- The proposed stall or trading business may result in compromised traffic and pedestrian safety;
- The nature and/or conduct of a proposed stall or trader is not in keeping with the amenity or not conducive to proper and orderly planning;
- Any other ground(s) that the Shire of East Pilbara deems relevant.

**ADVISORY NOTES**

Applicants must consider access for the disabled

Applicants must not inhibit the usual flow of traffic or pedestrian movement.

Any applications involving animals will need approval from the Shires Rangers Department.

The use of flashing lights is discouraged

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 CORPORATE SERVICES - STATUS OF COUNCIL DECISIONS - APRIL 2012**

**File No:** CLR 4-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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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*

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

To Provide Sound Leadership and Strong Representation

---

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Corporate Services report for April 2012 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>
11 March 2011	13.2	PIPUNYA PROPERTY Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property? Deputy Chief Executive Officer to follow up.	DCEO	Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.	Department of Commerce had a meeting 13 <sup>th</sup> March 2012 in Marble Bar still waiting for outcome
27 April 2012	13.2	ANZAC – MARBLE BAR Cr Kevin Danks said the ANZAC Ceremony in Marble Bar was fantastic and would like a letter sent to the cadets and if an article can be put in the Marble Bar Mirage. Manager Community Wellbeing to complete.	MCW		Completed
27 April 2012	13.4	SAIL SHADES Cr Doug Stead asked if the sail shades that were pulled down from shopping centre can they be modified and replaced elsewhere. Manager Community Wellbeing to investigate.	MCW	Previous investigation has shown to be extremely expensive	
27 April 2012	13.9	WATERPARK NULLAGINE Cr Darren Bennetts said the Nullagine Community expressed their interest in getting a water park, which could be considered in the 2012/2013 draft budget.	DCEO		In Draft Budget

**9.2.2 AFFIX COMMON SEAL OF SHIRE OF EAST PILBARA TO HEALTH  
PROMOTION SPONSORSHIP AGREEMENT NO#21462 FOR TRIATHLON  
APRIL 2012**

**File No:** FIN 4-3  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Wendy Hagan  
Coordinator Recreation Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Health Promotion Sponsorship Agreement File No: 21462 for the Triathlon April 2012.

**BACKGROUND**

An expression of interest was released into the community to gauge a response about hosting a Newman based triathlon. The response was overwhelming and a committee was soon established with Andrew Price (Shire Coordinator Aquatic Services) Wendy Hagan (Shire Coordinator Recreation Services) and Chris Hopkins (St. Johns Community Paramedic). To ensure that a professional and safe event was held, additional external funding was sourced through Healthway. Healthway, via the Mentally Healthy WA, Act – Belong – Commit campaign provided sponsorship and enabled an applicable health promotion message to be expressed through the event.

**COMMENTS/OPTIONS/DISCUSSIONS**

Post triathlon, the community expressed their gratitude that such an event was held locally. Also many residents expressed their desires to see such events being hosted annually and additional events to be held throughout the year. Such funding allows additional, non-budgeted activities to be launched and if successful, be accounted for in the following year's budget.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**Delegation From:** Council  
**Delegation To:** Chief Executive Officer  
**Council File Reference:** ADM 14-9  
**Legislative Authority for Delegation** S 5.42 Local Government Act 1995

**Power/Duty/Authorisation Delegated:**

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

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

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

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

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

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

**EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27th June 2003**

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

**Objective**

To allow for the proper execution of documents.

**Policy**

Council's Policy Manual 27 June 2004 on page 78

**Execution of Documents**

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 - Community Enrichment**

To enrich our cultural, social and recreational lifestyles

2.4 Recreational

2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing

Continuing role

How funded – Municipal Funds and funding opportunities

Responsible Directorate – Community Engagement



**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Health Promotion Sponsorship Agreement File Number 21462 and the Shire of East Pilbara for the Triathlon April 2012.**

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

**File No:** CLR-4-2  
**Responsible Officer:** Ms Sian Appleton  
 Director Corporate Services  
**Author:** Ms Sian Appleton  
 Director Corporate Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

To determine the amount to be provided in the 2012/2013 budget for meeting attendance fees for Members and reimbursement of allowable expenses.

**BACKGROUND**

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

The value of these fees and allowances are stipulated in the Local Government (Administration) regulations and are as follows. They remain unchanged from the previous year:

Council Meeting Attendance Fees:

Meeting Attendance Fees (Per Individual Meeting)							
	President			Councillors			Reg
Each Council Meeting	\$120	To	\$280				30(4)
				\$60	To	\$140	30(1)
Each Committee Meeting	\$30	To	\$70				30(2)
				\$30	To	\$70	30(2)
Maximum Total Annual Payment			\$14,000				30(5)
						\$7,000	30(3)

<b>Annual Attendance Fees - All Meetings (In Lieu Of Individual Meeting Fees)</b>					
President	Min	\$6,000			34(2)(a)
	Max	\$14,000			34(2)(b)
Councillors			Min	\$2,400	34(1)(a)
			Max	\$7,000	34(1)(b)

Expenses Reimbursable

31. Expenses to be reimbursed (Acts.5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
  - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
  - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (2) The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.
- (3) The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20.00 per hour, whichever is the lesser amount.
- (4) The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —
  - (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
  - (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —
    - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
    - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (5) For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.

Local Government Allowance

A Presidential Allowance within the range of \$600 to \$12,000 per annum or an amount equivalent to 0.002 of the annual operating revenue (\$66,170 based on this Council's 2011/2012 budget) can be authorised by Council. An upper limit of \$60,000 is set if the 0.002 formula exceeds that amount. - Reg 33

Amounts of up to 25% of the above may be allocated as an allowance to the Deputy President. - Reg 33A.

**COMMENTS/OPTIONS/DISCUSSIONS**

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

Council currently, 2011/2012, provides for the payment of Meeting Fees quarterly in arrears of \$7,000 each annually for Councillors (Account 41016) and \$14,000 annually for the President (Account 41031). These payments had an increase of \$500 and \$2,000 respectively in 2011/12 and \$1,000 and \$2,000 respectively in 2006/2007. These fees are currently at the maximum allowance is accordance with Administration Regulations. Also in 2006/07 a Presidential Allowance to recognise the out of pocket expenses which are incurred by the Shire President in representing the Council of \$6,000 was introduced for the first time and increased to \$9,000 in 2009/10. In the 2010/11 year the Shire President's allowance was increased to 12,000 and remained the same for the 2011/12 budget.

Council does not have an option to raise Meeting Fees this year.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

**Local Government Act**

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

**Administration Regulations**

Regulation	30	Meeting Attendance Fees
	31	Expenses that are to be reimbursed
	32	Expenses that may be reimbursed
	33	Annual Allowance for President
	33A	Annual Allowance for Deputy President
	34	Annual Attendance Fees
	34A	Allowances in Lieu of Reimbursements of Telecommunications Expenses

**POLICY IMPLICATIONS**

Item 9.1.3 7<sup>th</sup> June 2003

Shire President & Councillors - Attendance Fees, Expenses & Allowances

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

To Provide Sound Leadership and Strong Representation

3.1 Representation

**FINANCIAL IMPLICATIONS**

Provision will be included in the 2012/13 budget.

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION**

**THAT Council:**

1. **The following annual allowances for meeting attendance fees be included in the 2012/2013 budget to be paid quarterly in arrears**
  - (a) **Councillor's Meeting Fees \$70,000**  
**(An Annual Fee of \$7,000 per Councillor)**
  - (b) **President's Meeting Fees \$14,000**
2. **A Telecommunications Allowance per annum to be paid quarterly in arrears of \$500 to all councillors and \$1,000 to the Shire President.**
3. **A Presidential Allowance of \$12,000 per annum to be paid quarterly in arrears**

#### 9.2.4 AMENDMENT TO PURCHASING AND TENDER PROCEDURES

**File No:** LEG-2-1  
**Responsible Officer:** Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Miss Candice Giblett  
Expenditure Finance Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

#### BACKGROUND

The Purchasing and Tender Procedures policy must be updated regularly to reflect current changes and trends. This update gives authority for the Filed Officer – Martumili to write purchase orders to the maximum cost of \$2,000. This amendment recognises the remoteness the Field Officer may find themselves in with no ability to have a senior officer countersign their purchase orders.

#### COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996*.

#### POLICY IMPLICATIONS

##### 10.12 Purchasing and Tender Procedures

**Minute No:** Item 9.1.6  
**Date:** 27<sup>th</sup> June 2003  
5<sup>th</sup> May 2006  
9.3.5 27<sup>th</sup> April 2007  
9.4.1 24<sup>th</sup> July 2009  
9.1.6 29<sup>th</sup> January 2010  
11 March 2011

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**Responsible Officer: Chief Executive Officer and Directors**

**Objective**

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books 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, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

**Capital Expenditure**

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the

Deputy Chief Executive Officer and all capital purchase orders (with the exception of road construction **and plant purchases**) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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

- . Any item budgeted as a capital item in the adopted budget;
- . 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.

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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 order is in excess of \$30,000 the purchase order is to be countersigned by the authorised supervisor prior to the order being issued:

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)



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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- **Field Officer - Martumili**

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

#### **Raising a Purchase Order**

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
  - Supplier's name and address
  - Delivery instructions
  - Description of goods and/or service required
  - Quantity
  - Price
  - General Ledger Account number
  - Line Item
  - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

### **Light Vehicle Purchases**

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

### **Consultants Services**

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

*Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.*

*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 Services.*

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *Internet research.*
- *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*

## **1.2 Regulatory Compliance**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- 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;
- The purchase is under auction which has been authorised by Council;

- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

### **1.3 Tender Criteria**

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
2. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
3. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
4. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
5. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
6. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
7. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

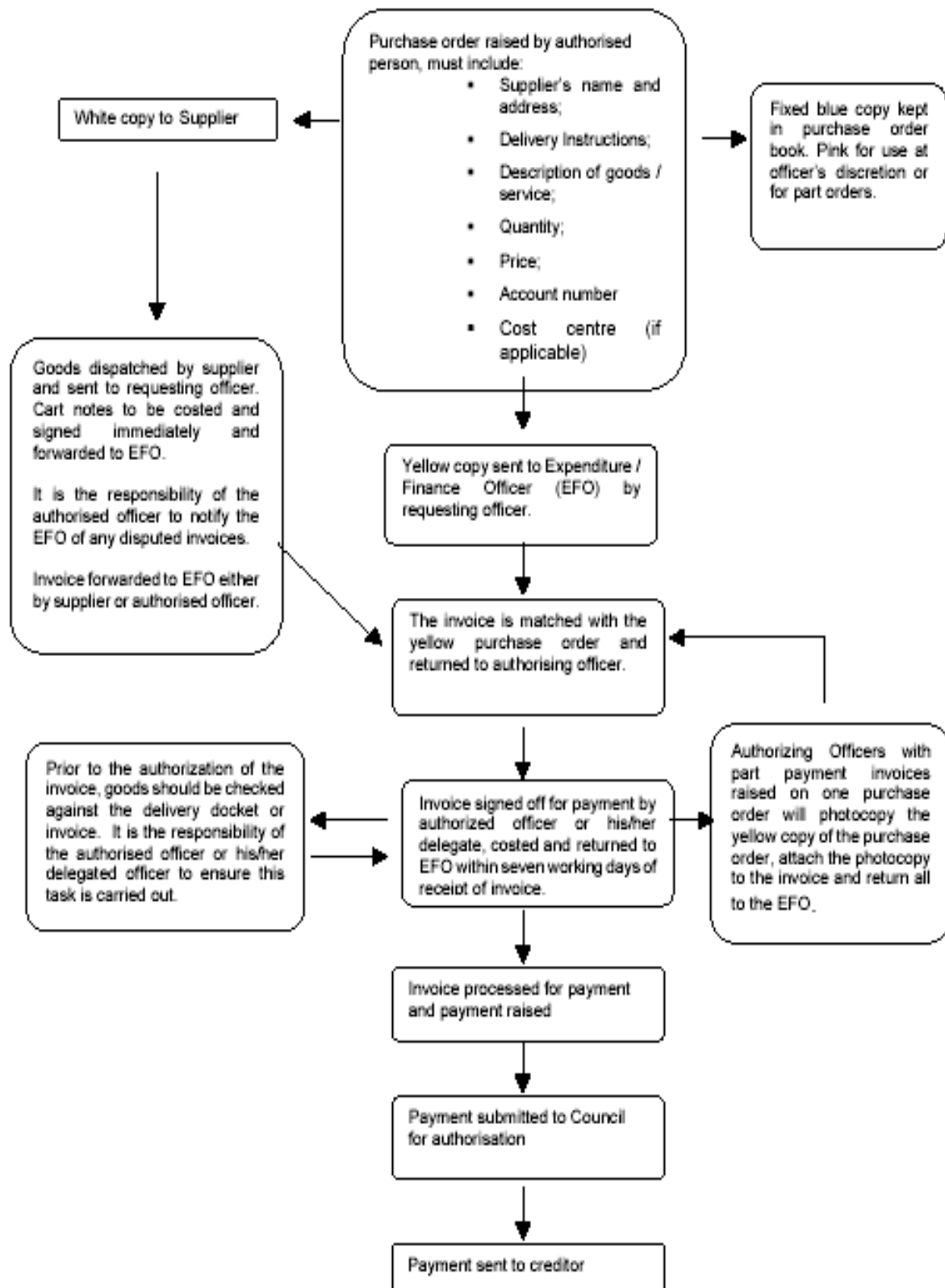
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to [tenders@eastpilbara.wa.gov.au](mailto:tenders@eastpilbara.wa.gov.au).

8. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
9. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.

10. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
11. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
- a. Tender documentation
  - b. Internal documentation
  - c. Enquiry and response documentation
  - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council adopt changes to the Purchasing and Tender Procedures Policy as presented.**

### 9.2.5 ECONOMIC DEVELOPMENT AND TOURISM STRATEGY

<b>Attachments:</b>	<b>Agricultural Strategy</b>
<b>Responsible Officer:</b>	<b>Sian Appleton Director Corporate Services</b>
<b>Author:</b>	<b>Sian Appleton Director Corporate Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to consider and approve the additional economic strategy for the Economic Development and Tourism Strategy as per discussion at the 27<sup>th</sup> April 2012 council meeting.

#### BACKGROUND

Council resolved to accept the Economic Development and Tourism Strategy 2012 at the 27<sup>th</sup> April 2012 council meeting.

Further discussion regarding the strategy was the omission of an agricultural strategy within the strategy. Council requested the additional of this strategy.

#### COMMENTS/OPTIONS/DISCUSSIONS

An agricultural strategy has been attached for council to consider and approve. The following are the strategic directions and key actions for the new strategy:

#### **15. Continue to build agriculture and intensive food production to support food security**

##### **Key Actions:**

- 15.1 Development of an agribusiness strategic plan
- 15.2 Facilitate an investment attraction and regional skill attraction initiative
- 15.3 Logistics

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

#### POLICY IMPLICATIONS

Nil

#### PLAN FOR FUTURE OF THE DISTRICT

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

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1.7.1 Supporting Opportunities that Encourage Growth and Diversity

Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council approve the additional agricultural strategy to be incorporated in the Economic Development and Tourism Strategy 2012.**



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### 9.2.6 OFFICIAL OPENING FOR ROYALTIES FOR REGIONS PROJECTS

<b>Responsible Officer:</b>	<b>Sian Appleton Director Corporate Services</b>
<b>Author:</b>	<b>Sian Appleton Director Corporate Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to consider dates for the official opening of several Royalties for Regions project within Newman.

#### BACKGROUND

As part of the Newman Town Centre Revitalisation project money was allocated from the Royalties for Regions monies to the construction of the Junior Sports Pavilion at the Capricorn Sporting Complex.

Money was also received from Royalties for Regions – Country Local Government Fund for the work to the Newman Administration Office and Council Chambers as well as work completed to the new broadcasting shed in Nullagine and the upgrade of the kitchen at the Marble Bar Civic Centre.

#### COMMENTS/OPTIONS/DISCUSSIONS

Although the Junior Sports Pavilion has been open for several months there has not been an official opening. June would be a good opportunity to open this facility.

As Minister for Regional Development it would be appropriate to invite the Hon. Brendon Grylls to open this facility as well as attending the Newman Administration Office and Council Chambers to showcase the new façade.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

#### POLICY IMPLICATIONS

Nil

#### PLAN FOR FUTURE OF THE DISTRICT

##### Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**That Council set the date for the opening of the Royalties for Regions projects as the \_\_\_\_ June 2012 and that the Hon. Brendon Grylls MLA be invited to officially open relevant projects.**

### 9.2.7 FINANCIAL REPORTING AND MATERIALITY

**Responsible Officer:** Sian Appleton  
Director Corporate Services

**Author:** Sian Appleton  
Director Corporate Services

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

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

#### BACKGROUND

Under the 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 variances.

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.

#### COMMENTS/OPTIONS/DISCUSSIONS

Currently the material variance are plus or minus 10% of the original adopted budget and greater than \$10,000. There is no request to change this.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

The Local Government (Financial Management) Regulations 1996, Reg 34(5).

#### POLICY IMPLICATIONS

Nil

#### PLAN FOR FUTURE OF THE DISTRICT

##### Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

#### FINANCIAL IMPLICATIONS

No financial resource impact.

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**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION**

**THAT Council adopt a material variance plus or minus 10% of the original adopted budget and greater than \$10,000 for the financial year ended 2012/2013.**

**9.2.8 SUNDRY DEBTORS FOR WRITE OFF**

**File No:** FIN 10-2  
**Responsible Officer:** Ms Sian Appleton  
 Deputy Chief Executive Officer  
**Author:** Ms Candice Giblett  
 Expenditure Finance Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

To seek approval to write off uncollectible debt to the value of \$1,399.20.

**BACKGROUND**

As per the table below, outlines invoice/s that remain outstanding for over 3 months as of 10<sup>th</sup> May 2012.

**COMMENTS/OPTIONS/DISCUSSIONS**

Debtor	Invoice	Amount	Description	Comment
Remote Camps	53554 53051 53728 53400 53218	\$26.40 \$171.60 \$52.80 \$79.20 \$1069.20	Newman Tip Fees for the months of Oct, Nov & Dec 2010, Jan & Feb 2011	Letter reminders initially sent out without any reply. Received an email from their accounts department advising they believe other companies are using their account - copies of all disposal forms emailed direct. Some of the disposals were made on behalf of Marshals Power. I spoke with Marshals Power and they said that Remote Camps asked if they could dispose of their rubbish as they were working out on the same site. Remote Camps replied back stating that they did not authorise Marshal Power to dispose of tip waste. Various emails since were sent to Remote Camps. Tip account has been suspended and final notice sent out. No further action has been taken since June 2011. Remote Camps have not been back to Newman Tip since February 2011.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government Act 1995  
Financial management Part 6  
General financial provisions Division 4  
s. 6.12  
Consolidation 3q page 199

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

*\* Absolute majority required.*

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

Nil

**FINANCIAL IMPLICATIONS**

Reduction in Sundry Debtors totalling \$1,399.20 an amount of \$5,000 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION**

**THAT the Sundry Debtors listed below be written off:**

<b>Debtor</b>	<b>Invoice</b>	<b>Amount</b>	<b>Description</b>	<b>Comment</b>
Remote Camps	53554 53051 53728 53400 53218	\$26.40 \$171.60 \$52.80 \$79.20 \$1069.20	Newman Tip Fees for the months of Oct, Nov & Dec 2010, Jan & Feb 2011	Letter reminders initially sent out without any reply. Received an email from their accounts department advising they believe other companies are using their account - copies of all disposal forms emailed direct. Some of the disposals were made on behalf of Marshals Power. I spoke with Marshals Power and they said that Remote Camps asked if they could dispose of their rubbish as they were working out on the same site. Remote Camps replied back stating that they did not authorise Marshal Power to dispose of tip waste. Various emails since were sent to Remote Camps. Tip account has been suspended and final notice sent out. No further action has been taken since June 2011. Remote Camps have not been back to Newman Tip since February 2011.



### 9.2.9 MONTHLY FINANCIAL STATEMENTS - MARCH 2012

<b>Attachments:</b>	<b>March Financial Statements</b>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Lisa Moss Senior Finance Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

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

#### BACKGROUND

The attached 10-page report details the financial activities of the Council for the period July 2011 to March 2012 of the 2011/2012 financial year –

There are 4 sections of the monthly report:

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

#### COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

**Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure**

**Please refer to Page 7 of the report – Acquisition & Construction of Assets**

<b>Variance Report – March</b>	
<b>Note</b>	<b>Comment</b>
1	Interest in Muni Funds Higher then budgeted
2	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
3	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
4	Infringements and Dog Registrations higher then budgeted
5	Fees – Septic Tank Applications & Food Premises Licenses higher than budgeted
6	Creche Entry Fees higher than budgeted
7	Non Staff Rentals higher than budgeted for due to consultants renting out properties
8	Newman Tip Fees and Liquid Waste both up on budget
9	Planning Applications higher than budgeted
10	Martumili Income above budget – matched by expenditure
11	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher than budgeted.
12	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
13	Building Licenses higher than budgeted.
14	RPT Bus Service higher than budgeted – allowed for in budget review
15	Private Works income higher than budgeted due to Roy Hill Road Grading – matched by expenditure
16	General Insurance Income higher than budgeted – matched by expenditure
17	Rates Operating Expenditure down on budget – allowed for in budget review

18	SES Operating Grant Expenditure down as income not yet received
19	Expenditure down on budget – allowed for in budget review
20	Expenditure down on budget – allowed for in budget review
21	Youth Centre Expenditure down on budget – allowed for in budget review
22	Depreciation Down on land and building due to new housing complex still being built
23	Depreciation for Rec Centre higher than budgeted
24	Expenditure down for Community Hall – Newman and Civic Centre – Marble Bar, timing only
25	Expenditure down on budget – allowed for in budget review
26	Expenditure down on budget – allowed for in budget review
27	Martumili Baskets and Corporate Expenditure higher than budgeted – matched by income and allowed for in budget review
28	Expenditure down on budget – allowed for in budget review
29	Expenditure down due to vacancies – allowed for in budget review
30	Private Works higher than budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
31	Works and Services under allocated – overheads increased to compensate.
32	Workers Compensation higher than budgeted, will be matched by income
33	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government Act 1995

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

*“The financial report is to –*

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

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

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

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

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

### POLICY

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

### PLAN FOR FUTURE OF THE DISTRICT

Nil.

## **FINANCIAL IMPLICATIONS**

This report discloses financial activities for the period under review.

## **VOTING REQUIREMENTS**

Simple.

## **OFFICER'S RECOMMENDATION**

**That the monthly financial statements for the period 1 July 2011 to 31 March 2012 of the 2011/2012 financial year as presented be received.**

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**9.2.10 CREDITORS FOR PAYMENT**

**File No:** 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 Giblett  
Expenditure 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 27<sup>TH</sup> April 2012.

**COMMENTS/OPTIONS/DISCUSSIONS**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT14904-EFT15220	3,677,003.05
	<b>Total</b>	<b>\$3,677,003.05</b>
Cheque Payments	21241-21298	344,740.62
Written Cheque Payments	1-7	26,991.17
	<b>Total</b>	<b>\$371,731.79</b>
	<b>GRAND TOTAL</b>	<b><u><u>\$4,048,734.84</u></u></b>

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

**CANCELLED AND UNUSED CHEQUES:**

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

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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 \$4,048,734.84

### VOTING REQUIREMENTS

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT14904-EFT15220	3,677,003.05
	<b>Total</b>	<b>\$3,677,003.05</b>
Cheque Payments	21241-21298	344,740.62
Written Cheque Payments	1-7	26,991.17
	<b>Total</b>	<b>\$371,731.79</b>
	<b>GRAND TOTAL</b>	<b>\$4,048,734.84</b>



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**9.3 DIRECTOR TECHNICAL SERVICES**

**9.3.1 TECHNICAL SERVICES STATUS OF COUNCIL DECISIONS - APRIL 2012**

**File No:** CLR 4-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire  
Continuing role  
How funded – Municipal Funds  
Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Technica Services report for April 2012 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>
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	MRWA as speed zones are a regulatory Item – awaiting on response OCR12-9590 email sent awaiting response	June 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.	TSAO	Letter sent to MRWA 11/05 OCR12-9591	June 2012
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. Technical Services to	TSAO	MTS-R and CEO	On Going

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

**25 MAY 2012**

<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>
		follow up.			
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Executive Services to follow up.	MBA	To be proposed in the 2012/2013 budget	
23 March 2012	9.3.2	DOMESTIC REFUSE COLLECTION NEWMAN, CHANGE OF SERVICE PROVIDER	TASO	Deed still to be signed	TPI To sign Mid May
23 March 2012	9.3.5	TENDER 1/2011-12 NEWMAN AIRPORT RPT TERMINAL DEPARTURES LOUNGE AND AMENITIES EXTENSION	MAS	Deferred to April Council Meeting	Completed
27 April 2012	9.3.3	GENERAL BUSINESS - NEW FLIGHT ROUTE INCENTIVE	MAS		
27 April 2012	11.1.1	TENDER 1/2011-12 NEWMAN AIRPORT RPT TERMINAL DEPARTURE LOUNGE AND AMENITIES EXTENTION	MAS		
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	TSAO		
27 April 2012	11.4.1	RESPONSIBILITY AND MANAGEMENT OF PROPOSED NYIMINJARRA ROAD WITHIN KARLAMILYI NATIONAL PARK	MTS-R	Letter sent to the Department of Environment and Conservation advising of Council resolution	Completed
27 April 2012	13.1	RSL PARK – MARBLE BAR Cr Stephen Kiernan said there is broken glass after the weekend at the RSL Park, can	MTS-R	Completed as part of daily inspection and safety checks	Completed

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		this please be cleaned up. Technical Services to follow up.			
27 April 2012	13.5	PARKING WHELISH DRIVE Cr Doug Stead asked if it is possible to get proper car parking across from the Tyre Shop on Welsh Drive as the verge is becoming congested with people parking. Technical Services to review.	MTS-R	Vehicles parked on the verge are as a result of insufficient space being made available by businesses for their clients. Lots appear to be used as storage space for old vehicle/equipment and businesses are using the vacant verge as parking for vehicles to be serviced. Construction of a dedicated parking area can be considered within the 12/13 budget process	On Going
27 April 2012	13.10	TREE PLANTING FOR MAIN ENTRANCE - NULLAGINE Cr Darren Bennetts asked if trees can be planted at the main entrance into Nullagine. Technical Services to follow up.	MTS-R	This area is within the Main Roads Reserve and as such will require approval from Main Roads. Approval and or comment have been requested from Main Roads to plant trees within the road reserve	On Going

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**9.3.2 AFFIX COMMON SEAL TO COMMERCIAL LEASE - NEWMAN AIRPORT  
BLOCKS 3 & 4 – SHIRE OF EAST PILBARA AND SEANALISA HOLDINGS  
PTY LTD - (MCLAREN HIRE)**

**File No:** A400012  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services  
**Location/Address:** Newman Airport  
**Name of Applicant:** Seanalisa Holdings Pty Ltd – (McLaren Hire)  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease agreement for Seanalisa Holdings Pty Ltd (McLaren Hire) located at Newman Airport –Lease Area 3 and 4.

**BACKGROUND**

At Council meeting held on the 11<sup>th</sup> March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

**COMMENTS/OPTIONS/DISCUSSIONS**

The agenda item and minutes from the 11<sup>th</sup> March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**Delegation From:** Council

**Delegation To:** Chief Executive Officer

**Council File Reference:** ADM 14-9

**Legislative Authority for Delegation** S 5.42 Local Government Act 1995

**Power/Duty/Authorisation Delegated:**

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

The Council has authorised entering into a formal contract or a formal contract is

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

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

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

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

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

**EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27th June 2003**

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

**Objective**

To allow for the proper execution of documents.

**Policy**

Council's Policy Manual 27 June 2004 on page 78

**Execution of Documents**

Minute No: Item 9.1.3

Date: 27th June 2003

**Objective**

To allow for the proper execution of documents. Policy

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

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple



**OFFICER'S RECOMMENDATION**

**THAT Council note the application of the common seal of the Shire of East Pilbara was affixed by the lease agreement between the Shire of East Pilbara and Seanalisa Holdings Pty Ltd (McLaren Hire) located at Newman Airport – Lease Area 3 & 4.**

**9.3.3 AFFIX COMMON SEAL TO COMMERCIAL LEASE - NEWMAN AIRPORT  
LEASE AREA 1 – SHIRE OF EAST PILBARA AND LINKFORCE  
ENGINEERING.**

**File No:** A701063  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services  
**Location/Address:** Newman Airport  
**Name of Applicant:** LINKFORCE  
**Author Disclosure of Interest:** Nil

---

**REPORT PURPOSE**

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease agreement for Linkforce Engineering located at Newman Airport –Lease Area 1.

**BACKGROUND**

At Council meeting held on the 11<sup>th</sup> March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

**COMMENTS/OPTIONS/DISCUSSIONS**

The agenda item and minutes from the 11<sup>th</sup> March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**Delegation From:** Council  
**Delegation To:** Chief Executive Officer  
**Council File Reference:** ADM 14-9  
**Legislative Authority for Delegation** S 5.42 Local Government Act 1995

**Power/Duty/Authorisation Delegated:**

Authority to prepare the necessary documentation to execute documents taking into account any specific or policy requirements of council where:  
The Council has authorised entering into a formal contract or a formal contract is

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

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

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

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

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

**EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27th June 2003**

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

**Objective**

To allow for the proper execution of documents.

**Policy**

Council's Policy Manual 27 June 2004 on page 78

**Execution of Documents**

Minute No: Item 9.1.3

Date: 27th June 2003

**Objective**

To allow for the proper execution of documents. Policy

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

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council note the application of the common seal of the Shire of East Pilbara was affixed for the commercial lease agreement between the Shire of East Pilbara and Linkforce Engineering- Newman Airport, Lease Area 1.**

**9.3.4 TENDER 09\_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES,  
NEWMAN**

**File No:** LEG – 13-2  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Ms Racquel Langoulant  
Technical Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To consider the submission of Tenders for the supply of road sweeping services within the Newman town site for a contract period of four years.

**BACKGROUND**

Council currently contract out the road sweeping service to Transpacific Cleanaway. Transpacific Cleanaway have been the sole provider for the past 4 years. The current contract expires on 30 June 2012.

The tendering process was managed through the WALGA procurement services department. WALGA produced the tender documents, organised the advertising and assessed the tender evaluations.

The Tender was advertised as follows;

- a) The West Australian on, Wednesday, 28 March 2012
- b) The North West Telegraph on, Wednesday 28 March 2012 and
- c) WALGA Tenderlink e-Tendering Portal on, Wednesday 28 March 2012

The closing date for the Tender was 3pm April 17<sup>th</sup> 2012.

One tender submission was received from Transpacific Cleanaway.

**COMMENTS/OPTIONS/DISCUSSIONS**

Transpacific Cleanaway submitted a costing of \$268,507.33 per annum for road sweeping services for Newman town site. This is an increase to the previous contract which is approximately \$178,000 annually, an increase of approximately \$100,000.

This is due to an increase in sweeping requirements to the town site and the increase in hours to the weekly schedule. Transpacific Cleanaway have a depot in Newman and the personnel to adequately manage this contract.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

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**POLICY IMPLICATIONS**

TENDER PROCEDURES

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.2 Improve community awareness of Council's directions, facilities and services  
Continuing role  
How funded – Municipal Funds  
Responsible Directorate – Community Engagement

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council awards Tender 09-2011/12 Provision of Road Sweeping Services, Newman to Transpacific Cleanaway for the annual cost of \$268,507.33.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**  
22nd June 2012, Marble Bar
- 15 CLOSURE**