



## **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, 26 JULY, 2013.

**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 Lynne Craigie

Cr Lang Coppin

Cr Anita Grace

Cr Shane Carter

Cr Craig Hoyer

Cr Gerry Parsons

Cr Doug Stead

Cr Stephen Kiernan

Cr Kevin Danks

Cr Dean Hatwell

Shire President

Deputy Shire President

Officers

Mr Allen Cooper

Ms Sian Appleton

Mrs Sheryl Pobrica

Chief Executive Officer

Deputy Chief Executive Officer

Executive Services Administration Officer

Public Gallery

**2.2 APOLOGIES**

Councillor Apologies

Officer Apologies

Mr Rick Miller

Director Technical and Development  
Services.

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 June 28 2013 Council.DOCX](#)

**OFFICER'S RECOMMENDATION**

**THAT the minutes of the Ordinary Meeting of Council held on 28 June 2013, be confirmed as a true and correct record of proceedings.**

7.2 PILBARA REGIONAL COUNCIL MINUTES JULY 2013

[PRC Minutes July 2013](#)

**OFFICER'S RECOMMENDATION**

**THAT the minutes of the Pilbara Regional Council Meeting of 1<sup>st</sup> July 2013, be received.**

**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 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - JUNE 2013

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

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### 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

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**STRATEGIC COMMUNITY PLAN**

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Chief Executive Officer for June 2013 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 September 2012	13.5	INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman.	CEO	Arranging a meeting with BHP Billiton	
8 February 2013	9.1.12	LEASE - LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF "TOWN CONSTRUCTION FLY CAMP", NEWMAN	CES	Subject to Ministerial approval of lease prices	
15 March 2013	10.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	CEO	To be completed	
28 June 2013	13.4	COUNCILLORS SHIRTS Cr Anita Grace asked if Councillors would be able to acquire shirts to represent the Shire at the local government convention in August. Chief Executive Officer to follow up.	CEO	Have been ordered awaiting delivery	

### 9.1.2 WALGA ANNUAL GENERAL MEETING 2013

**File Ref:** ORG-4-8-1  
**Attachments:** [2013 AGM Agenda.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Allen Cooper  
Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To determined Councils position on the proposed motions for the 2013 Annual General Meeting of the Western Australian Local Government Association as attached.

#### BACKGROUND

The Annual General Meeting for the Western Australian Local Government Association will be held on Wednesday 7<sup>th</sup> August 2013. Motions proposed for the agenda are summarised below, a full copy of the agenda item is attached. Council should determine a position to guide the delegates how to vote at the meeting.

Each voting delegate attending the meeting has already received a full agenda Councils voting delegates are Cr Lynne Craigie and Cr Lang Coppin.

#### COMMENTS/OPTIONS/DISCUSSIONS

Council can support or not support a motion or leave it to the delegate to make decision based on any additional information received on the day of the meeting.

The item for motion are summarised below:

#### 5.1 Association Constitution – Impacts of Amalgamations (01-001-01-0001TB)

- Concern has been raised by Zone Delegates as to whether they have continuing rights and membership during transitional phases where mergers may occur between Governments.
- Legal advice was sought by WALGA. As a result amendments to the Constitution have been proposed to take into account the recognition of the legal position of the new Councils and Commissioners that may be formed as a result of a merger.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

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**5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date (01-001-01-0001TB)**

- A request by the Great Eastern Country Zone to consider amending WALDA constitution as it relates to the commencement date for the formation of the new State Council.
- It has been suggested that it would be easier and less confusing if the new State Council commenced at the first meeting following the Local Government Elections (October).
- Presently, a State Councillor's term commences at the March meeting.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.3 Election of Shire President or Mayor (05-034-01-0001 TB)**

- The Metropolitan Review report recommends that Mayors and Shire President be elected by the community at large. The Shire of Dardanup contends that Shire Presidents or Mayors should be elected by their peers, selecting one of their group to lead the Council.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.4 Proposed Local Government Act Amendment – Exemption from Liability (05-034-01-0001 MB/JMc)**

- The New South Wales Local Government Act (1993) includes Section 733 which states:
- “733 Exemption from liability-flood liable land, land subject to risk of bush fire and land in coastal zone.....”

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.5 Impacts of Climate Change (05-028-03-0015 MB)**

- Requesting a more coordinated approach in addressing the impacts of Climate Change between member Councils and relevant State Government agencies as well as advocating for more cross sector cooperation at a national level.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.6 Proposed Local Government Amendment – Council Controlled Organisations (05-034\*01-0015 TB)**

Council controlled organisations will allow:

- the ability to employ professional directors/trustees and management with experience specific to the commercial objectives of the entity;
- removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the broad strategy;
- the ability to quarantine the ratepayers from legal liability and financial risk arising from commercial or investment activities; and
- greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.7 Effects of Structural Reform on WALGA (05-034-01-0015 TB)**

- Amalgamations may result in larger Local Governments being in a more powerful position to be independent of WALGA and each other. Will the loss of a large number of metropolitan members to the organisation lessen the ability of WALGA to influence government policy?

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.8 Eradication of Cotton Bush (05-046-03-0010 MB)**

- Cotton Bush is a declared weed and is out of control on properties within the Shire of Dardanup. Council call on the Minister and the Department of Agriculture and Food (WA) to invest resources in action to eradicate this weed that has significant implications the agricultural industry.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.9 Political Advertising (06-024-01-0001 JMc)**

- There appears to be a level of uncertainty with respect to political signage and when local government local laws and planning requirements have effect.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.10 Rate Exemption (05-034-01-0007 JMc)**

- Local Government to be compensated for loss of revenue as a result of rate exemptions on independent living units within retirement villages operated by organisations recognised as charitable bodies.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.11 Weed Management and Administration for the Biodiversity in Agriculture Management Act (05-046-03-0011 MB)**

- Invasive weeds are becoming a serious management issue.
- DAFWA are not currently resourced to manage this issue and have suggested establishing Recognised Biosecurity Groups.
- RBG set up needs to be state led and funded.

*Staff Comment: **Support proposal** / Not support proposal / Delegates discretion*

**5.12 Presidential Public Comments (01-002-01-0001 TB)**

- The President is empowered to make public comments that reflect the Association's Policy.
- Town of Claremont is dissatisfied with the way certain positions have been presented and seeks censure of the WALGA President.

*Staff Comment: Support proposal / Not support proposal / **Delegates discretion***

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

Nil

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council provide the following guidance for the voting delegates at the WALGA Annual General Meeting to be held on Wednesday 7<sup>th</sup> August 2013:**

<b>Recommendation No:</b>	<b>Support</b>	<b>Do Not Support</b>	<b>Delegates Discretion</b>
5.1 Association Constitution – Impacts of Amalgamations (01-001-01-0001TB)			
5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date (01-001-01-0001TB)			
5.3 Election of Shire President or Mayor (05-034-01-0001 TB)			
5.4 Proposed Local Government Act Amendment – Exemption from Liability (05-034-01-0001 MB/JMc)			
5.5 Impacts of Climate Change (05-028-03-0015 MB)			
5.6 Proposed Local Government Amendment – Council Controlled Organisations (05-034-01-0015 TB)			
5.7 Effects of Structural Reform on WALGA (05-034-01-0015 TB)			
5.8 Eradication of Cotton Bush (05-046-03-0010 MB)			
5.9 Political Advertising (06-024-01-0001 JMc)			
5.10 Rate Exemption (05-034-01-0007 JMc)			
5.11 Weed Management and Administration for the Biodiversity in Agriculture Management Act (05-046-03-0011 MB)			
5.12 Presidential Public Comments (01-002-01-0001 TB)			

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### 9.1.3 DRAFT CAPE KERAUDREN RECREATION MANAGEMENT PLAN

<b>Attachments:</b>	<a href="#">Draft Cape K Recreation Management Plan</a> <a href="#">Appendices 1-5</a> <a href="#">appendices 6-8</a> <a href="#">Appendices 9-13</a> <a href="#">Table 4 and 6</a> <a href="#">Maps</a> <a href="#">Map 5</a>
<b>Responsible Officer:</b>	<b>Mr Allen Cooper</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Dawn Brown</b> <b>DCEO Directorate Administration 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

For Council to endorse the draft Cape Keraudren Recreation Management Plan, and to approve this document to be made available for public comment.

#### BACKGROUND

The Cape Keraudren Recreation Management Plan was commissioned by the Shire of East Pilbara in June 2012 to describe, review and provide advice on the recreation management of Cape Keraudren Reserve. This Plan has been compiled by Cliff Winfield & Associates.

The draft Cape Keraudren Recreation Management Plan focuses on the management of recreation on Cape Keraudren reserve. The reserve's other values are considered in the context of how they influence recreation opportunities and how they are impacted by recreation activities.

The draft Cape Keraudren Recreation Management Plan:

- Records and analyses the values and recreation management issues that exist on the Reserve at this period in time;
- Compares the recreation opportunities provided at Cape Keraudren with other opportunities provided in the Region;
- Speculates on future recreation demands and trends;
- Recommends future management options based on the analysis;
- Provides procedural guidelines for current and future managers.

#### COMMENTS/OPTIONS/DISCUSSIONS

This plan has been developed in the context of the following documents that apply specifically to the reserve.

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- *Cape Keraudren Coastal Management Plan* prepared by Garry Middle and Hames Sharley (Middle) tabled in 2004 which provides information about the natural and cultural values of the reserve and the management issues of that time.
- *Proposed Eighty Mile Beach Marine Park – indicative management plan 2011* prepared for the Marine Parks and Reserves Authority by Department of Environment and Conservation which provides information on the future management proposals for the adjacent marine areas.
- *Shire of East Pilbara - Strategic Community Plan 2013-22* contains the following priorities and actions that are relevant to this plan:

Key Priority: Implementation of Economic Development and Tourism Strategy, and;

*Civic Leadership* - planned actions: Action 1.1 – Efficient and effective local government.

*Economic* – planned actions: Action 3.1.3 Encourage tourism, Action 3.3.1 Ensure well managed and equitable provision of community infrastructure, Action 3.3.3 – Provide infrastructure to support economic development.

*Environmental* – planned actions: Action 4.1 Reduce Shire ecological footprint

- *Economic Development and Tourism Strategy 2012 - 2015 tourism recommendation 4 in relation to Cape Keraudren states:*

*“The Shire of East Pilbara should consider the benefits of reviewing the management of this reserve. The present arrangement competes with other Council responsibilities and its remote location is difficult for Council to provide and receive benefits. Consideration of investigating the possibilities of a “development lease” for the site may provide considerable benefits for the Council yet maintaining the low recreational balance with the environment.”*

Public comments on the draft Cape Keraudren Recreation Management Plan will be encouraged over a three week period through the display of public notices in all three towns, on the Shire website, and an advert in the North West Telegraph.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC COMMUNITY PLAN**

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

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

1.3 Engaged Community

1.3.1 Increase community awareness.

**Goal 3 – Economic – Planned Actions**

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

**Goal 4 – Environmental – Planned Actions**

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council:**

- 1. Endorse the draft Cape Keraudren Recreation Management Plan; and**
- 2. To be made available for public comment for a period of three weeks from the advertising date.**

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**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

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

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

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**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

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**STRATEGIC COMMUNITY PLAN**

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the "Status of Council Decisions" – Deputy Chief Executive Officer for June 2013 be received.**

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Report in Agenda	Completed
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO	Commenced	Ongoing
24 May 2013	9.2.7	DRAFT BUSINESS CASE - COWRA TOURIST AND RECREATION PRECINCT	DCEO	Submission being assessed	Ongoing
24 May 2013	9.2.9	DRAFT BUSINESS CASE - MARTUMILI INFRASTRUCTURE PROJECT	DCEO	Submission being assessed	Ongoing
28 June 2013	9.2.12	2013/2014 RATES NOTICE - REQUEST TO CHANGE FROM UNIMPROVED VALUE TO GROSS RENTAL VALUE	DCEO	Being proposed	
28 June 2013	13.5	NEWMAN HOUSE FIREDOOR Cr Doug Stead enquired if Council had been informed about the fire doors at Newman House. Deputy Chief Executive Officer to follow up	DCEO	Being assessed working with Newman House Coordinator	

**9.2.2 AFFIXING COMMON SEAL TO CONTRACT FOR OFFICER WOODS  
ARCHITECTS**

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

**Author:** Ms Dawn Brown  
DCEO Directorate Administration Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed to the Contract for Officer Woods Architects with respect to providing architectural, interior and landscape design services for the new Martumili Arts Facility and Gallery.

**BACKGROUND**

Funding has been sourced from the Department of Regional Development and Lands, Regional Infrastructure and Headworks Fund – Pilbara Cities Strategic Infrastructure to deliver Phase 1 of the Martumili Artists Infrastructure Project.

Officer Woods Architects will be providing architectural, interior and landscape design services for an architecturally designed, civic minded, socially and environmentally sustainable Gallery/Art Space/Administration Building with commercial grade kitchen and caretakers accommodation located on Lot 1919 on Deposited Plan 216630, Newman, which will enable Martumili Artists to achieve full potential by providing a larger retail space, dedicated artists' workspace, commercial kitchen and a fire rated storage area for Martu art.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Contract commenced on the date of execution of the Contract and expires upon completion of the services, which is to be no later than the 6<sup>th</sup> December, 2013.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

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

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**Objective**

To allow for the proper execution of documents.

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**Policy**

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

**STRATEGIC COMMUNITY PLAN**

**Goal 2 – Social – Planned Actions**

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

- 2.3.3 Foster artistic and creative expression  
Responsible officer: DCEO  
Timing: 1-3 years

**Goal 3 – Economic – Planned Actions**

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

- 3.3 Provide adequate community infrastructure
- 3.3.3 Provide infrastructure to support economic development  
Responsible officer: DCEO  
Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the affixing of the Common Seal to the Contract for Officer Woods Architects.**



### 9.2.3 FREEDOM OF INFORMATION STATEMENT 2013

<b>File Ref:</b>	<b>LEG-9-3-1</b>
<b>Attachments:</b>	<a href="#">Freedom of Information 2013.docx</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Tina Wilson</b> <b>Coordinator Administration Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To seek Council's approval for the acceptance of the freedom of Information Statement 2013 in accordance with Part 5 of the *Freedom of Information Act 1992*.

### BACKGROUND

It is a compliance requirement of the *Freedom of Information Act 1992* that Council accept an up to date Freedom of Information Statement every 12 months.

### COMMENTS/OPTIONS/DISCUSSIONS

The Freedom of Information Statement has recently been updated and is attached for Council's approval.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 7 - Access to information) 5.91. Interpretation (pg 185)

Part 5 - Administration (Division 7 - Access to information) 5.92. Access to information by council, committee members (pg 185)

### POLICY IMPLICATIONS

Nil

### STRATEGIC COMMUNITY PLAN

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

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

1.1 Efficient and effective local government

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the freedom of Information Statement 2013 in accordance with Part 5 of the Freedom of Information Act 1992.**

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#### 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**

Simple.

**OFFICER'S RECOMMENDATION**

**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 2013/2014.**

### 9.2.5 MONTHLY FINANCIAL STATEMENTS MAY 2013

<b>File Ref:</b>	<b>FIN-23-5</b>
<b>Attachments:</b>	<a href="#">Council May 2013.pdf</a> <a href="#">May 2013 Variance Report.doc</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Angela McDonald</b> <b>Manager Finance and Administration</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 12-page report details the financial activities of the Council for the period July 2012 to May 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. A schedule detailing all expenditure for the year to date for individual capital items.
4. A statement of cash flows.

### COMMENTS/OPTIONS/DISCUSSIONS

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

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

### STATUTORY IMPLICATIONS/REQUIREMENTS

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

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*“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 July 2012 to May 2013 of the 2013/2014 financial year as presented be received.**



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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:** Mrs Candice Porro  
Expenditure Finance Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

Council endorsement of payment to creditors.

### BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 29th June 2013.

### COMMENTS/OPTIONS/DISCUSSIONS

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT19955-EFT20259	4,094,846.35
	<b>Total</b>	<b>\$4,094,846.35</b>
Cheque Payments	22221-22249	80,180.60
Written Chq Payments	85-88	22,697.99
	<b>Total</b>	<b>\$102,878.59</b>
	<b>GRAND TOTAL</b>	<b><u>\$4,197,724.94</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  
EFT20174, 87

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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 \$4,197,724.94

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

EFT Payments	EFT19955-EFT20259	4,094,846.35
	<b>Total</b>	<b>\$4,094,846.35</b>
Cheque Payments	22221-22249	80,180.60
Written Chq Payments	85-88	22,697.99
	<b>Total</b>	<b>\$102,878.59</b>
	<b>GRAND TOTAL</b>	<b><u><u>\$4,197,724.94</u></u></b>

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**9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES**

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF  
COUNCIL DECISIONS - JUNE 2013**

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

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**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

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**STRATEGIC COMMUNITY PLAN**

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Director Technical and Development Services for June 2013 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 – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Gathering of information to be included on signs/plaque s	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS MTS-Newman	Technical Services to review requirement of tender & length of contract before re-tendering	Jun/Jul 2013
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area	DTDS	Tenure of land and alignments to be investigated and	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>
		from Gunn Club Road.		feasibility assessed Align options selected. Centrelines to be pegged.	
24 May 2013	13.5	UPDATE LOCAL SIGNS Cr Doug Stead asked if the signs around Newman can be updated as they are deteriorating. Director Technical and Development Services to follow up.	DTDS MTS-Newman	A works request has been raised to inspect signage	In Progress
28 June 2013	9.3.3	EMERGENCY SERVICES REVIEW - OPTION TO TRANSFER LOCAL BUSH FIRE BRIGADES IMPACT ASSESSMENT	DDTS	A copy of agenda forwarded to DFRS to start discussions	In Progress



**9.3.2 AFFIXING COMMON SEAL TO THE CONTRACTS FOR AWARDED PANEL  
OF TRADE SERVICE PROVIDERS**

**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services

**Author:** Ms Helen Taulapiu  
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 seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contracts for the Panel of Trade Service Providers

**BACKGROUND**

At the Council meeting held on the 24<sup>th</sup> May 2013 & 28<sup>th</sup> June 2013, Council resolved to endorse the recommended Tenderers (*listed below*) to be included on the Shire of East Pilbara's Panel of Trade Service Providers for a period of three years:

- 1) AGK Automotive Electrics
- 2) Ahrens Group
- 3) BnJ's Earthmoving Pty Ltd
- 4) Cape Range Electrical Contractors Pty Ltd
- 5) Capricorn Blue Enterprises Pty Ltd
- 6) Customer First Contracting
- 7) David Berry Property Maintenance
- 8) Dirtpaw Pty Ltd
- 9) DTMT
- 10) Environmental Industries Ltd
- 11) Eric Hood Pty Ltd
- 12) Everything Woodwork
- 13) Gascoyne Plumbing Solutions
- 14) Global Electrotech
- 15) Insight WA Pty Ltd
- 16) IP Cameras Australia
- 17) Logsys Power Services Pty Ltd
- 18) Marble Bar Electrical Services Pty Ltd

- 19) Megara Construction Pty Ltd**
- 20) Reno Blast**
- 21) Sargent Rental and Maintenance**
- 22) Satellite Security**
- 23) The Shade Sail Man**
- 24) Airport Linemarking and Maintenance Solutions Pty Ltd**
- 25) Workzone Pty Ltd**
- 26) Zenien**
- 27) CK & Y Poole T/As Nullagine Plumbing**
- 28) Moolyella Fencing & Native Seed**
- 29) T K Crawshaw Earthmoving**

## COMMENTS/OPTIONS/DISCUSSIONS

There are a total of twenty nine (29) Contracts to apply the common seal of the Shire of East Pilbara to, in relation to the Panel of Trade Service Providers.

Due to the number of contracts involved, Shire officers have commenced the process of obtaining contractor signatures for the sealing process.

Council can approve or not approve the request to apply the common seal to these Contracts.

## STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

## POLICY IMPLICATIONS

### 4.5 EXECUTION OF DOCUMENTS

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

#### **Objective**

To allow for the proper execution of documents.

#### **Policy**

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

## STRATEGIC COMMUNITY PLAN

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

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

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

### **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.

#### **3.2 Employment opportunities**

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

Responsible officer: DCEO

Timing: 1-5 years

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Simple.

### **OFFICER'S RECOMMENDATION**

**THAT the common seal of the Shire of East Pilbara be affixed to the twenty nine (29) Contracts in relation to the Panel of Trade Service Providers, being:**

- 1) AGK Automotive Electrics**
- 2) Ahrens Group**
- 3) BnJ's Earthmoving Pty Ltd**
- 4) Cape Range Electrical Contractors Pty Ltd**
- 5) Capricorn Blue Enterprises Pty Ltd**
- 6) Customer First Contracting**
- 7) David Berry Property Maintenance**
- 8) Dirtpaw Pty Ltd**
- 9) DTMT**
- 10) Environmental Industries Ltd**
- 11) Eric Hood Pty Ltd**
- 12) Everything Woodwork**
- 13) Gascoyne Plumbing Solutions**
- 14) Global Electrotech**
- 15) Insight WA Pty Ltd**
- 16) IP Cameras Australia**
- 17) Logsys Power Services Pty Ltd**
- 18) Marble Bar Electrical Services Pty Ltd**
- 19) Megara Construction Pty Ltd**
- 20) Reno Blast**

- 21) Sargent Rental and Maintenance**
- 22) Satellite Security**
- 23) The Shade Sail Man**
- 24) Airport Linemarking and Maintenance Solutions Pty Ltd**
- 25) Workzone Pty Ltd**
- 26) Zenien**
- 27) CK & Y Poole T/As Nullagine Plumbing**
- 28) Moolyella Fencing & Native Seed**
- 29) T K Crawshaw Earthmoving**

**9.3.3 USE OF THE SHIRE COMMON SEAL - CONTRACTS FOR RFT 07-2012/2013 CONSTRUCTION FOR EXERCISE NODES, LANDSCAPING AND ROAD RESURFACING WORKS**

**File Ref:** LEG-13-1  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Ms Helen Taulapiu  
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 advise Council on the use of the Shire Seal which was affixed to the following contracts for, the construction for Exercise Nodes, Landscaping and Road Resurfacing Works RFT 07-2012/2013:

- Project 1 Fortescue Avenue Exercise Nodes
- Project 2a Calcott Crescent Landscaping and Kerbing

**BACKGROUND**

At the council meeting held on the 24<sup>th</sup> May 2013, Council resolved to endorse the recommended Tenderers (listed below) to be awarded tender RFT 07-2012/2013 Construction for Exercise Nodes, Landscaping and Road Resurfacing Works for Calcott Crescent and Fortescue Avenue.

- 1) Environmental Industries
- 2) Landscaping WA Pty Ltd

**COMMENTS/OPTIONS/DISCUSSIONS**

Due to the urgent nature of having these contracts signed/sealed, the common seal was applied to the Contracts before Council approval could be sought. This agenda item is seeking approval from Council for using the common seal on these documents.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**Objective**

To allow for proper execution of documents.

**Policy**

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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.

## **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.

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

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

3.1.2 Build a thriving and diverse economy

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

3.2 Employment opportunities

3.2.1 Promote a variety of choice in local employment

## **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, which was affixed to two contracts in relation to Tender RFT 07-2012/2013 Construction for Exercise Nodes, Landscaping and Road Resurfacing Works, for:**

**1) Environmental Industries**

**2) Landscaping WA Pty Ltd**

**9.3.4 PROPOSED SERVICE STATION - LOT 1328 NEWMAN DRIVE, NEWMAN**

**File Ref:** A409710 - P079/13  
**Attachments:** [Caltex Service Station - Newman Drive.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lot 1328 corner of Newman Drive and Giles Avenue, Newman  
**Name of Applicant:** Caltex Australia Petroleum Pty. Ltd.  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for a proposed Service Station to be developed on Lot 1328 Newman Drive, Newman.

**BACKGROUND**

An application for planning approval has been received for the purposes of developing a Service Station at Lot 1328 Newman Drive, Newman which has been a vacant site for a number of years since previous structures were demolished in 2008. Prior to being vacant, the subject site was the location of one of the first service stations to be developed within the Newman townsite prior to being relocated nearer to the northern town entry.

The proposal includes the following:

- Two (2) 110KL underground storage tanks;
- Retail premises referred to as a "Star-mart" shop;
- Dispensing canopy incorporating four (4) double sided dispensers and one (1) high flow diesel dispenser;
- Advertising and display signage;
- Car parking; and
- Landscaping.

**COMMENTS/OPTIONS/DISCUSSIONS**

Local Planning Framework:

The subject site is zoned Mixed Business under the Shire's Town Planning Scheme No. 4 (the Scheme) of which a Service Station is listed as an 'A' use in the zoning table meaning that the use is not permitted unless Council has exercised its discretion after advertising the proposal. In accordance with Clause 9.4 of the Scheme, the proposal was advertised by way of a sign being placed on the subject site advising of the proposal and inviting comments. At the close of the advertising period, no submissions were received from the public.

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Furthermore and additional to the public notification period, referral letters were sent to both the Department of Environment Regulation (DER) and Department of Mines and Petroleum (DMP) who both provided written advice in relation to the proposed development which is as follows:

**DER:**

- Site is classified as “Contaminated – restricted use” as a result of the previous use of the site and pollution from hydrocarbons from such previous operations;
- At the time of the classification referred to above both DER and Department of Health considered the site still suitable for ongoing use as commercial or industrial uses;
- Although remediation took place in 1998, recent site investigations carried out in early 2013 indicate that there is still evidence of both soil and groundwater pollution from hydrocarbons;
- Current information indicates that the pollution levels do not exceed “Health-based Investigation Levels” for commercial and industrial sites;
- The site classification remains appropriate based on information from the 2013 site investigations;
- DER advises that there are potential risks associated with construction methods involving ground disturbance and any future builder in control of such site shall take such into consideration during building;
- DER advises that the site is suitable for use as commercial and industrial uses including a Service Station but not for residential or services of a sensitive nature (day care, health etc.).

**DMP:**

- The proponent will need to apply to the department for a Dangerous Goods Site Licence in accordance with the applicable legislation.

Based on the above feedback received from both DER and DMP, it is evident that the proposed development is considered acceptable on the subject site based on historical use of the site and the nature of the proposal.

**Proposed Development:**

The proposed development is similar in nature to that of those established in the states south-west, in particular, the Perth metropolitan area. Under the Scheme, there are little general development requirements pertaining to the development of mixed business sites. The main requirements for a service station are as follows:

- Setbacks – under the Scheme setbacks for the mixed business zone can be a nil setback;
- Car Parking – shall be in accordance with Clause 5.12.2 of the Scheme or where such use is not listed, at Council’s discretion and in accordance with Local Planning Policy No. 4 – Vehicle Parking Standards.
- Landscaping – is to be designed, developed and maintained in accordance with Council policy/specification(s); and
- Advertising – is to be erected to Council’s satisfaction (by delegation) and shall be maintained in a constant state of good repair.

In considering the above, the siting and orientation of the proposed retail facility on the site has been setback from the boundaries such that it is set well within the site to

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ensure that the bulk and scale does not impact on adjoining and surrounding properties. However, in terms of amenity, the back of the proposed retail facility is essentially blank and may be considered unappealing from the residential properties on Yandorah Street. However, in assessing the risk, it is noted that only one residence faces the proposed site and therefore reduces the depth of the amenity risk. In either case, it is possible to address this as part of the required Landscape Plan required by the Scheme by having suitable vegetation installed as a visual barrier between the building and the opposite residence.

Car Parking and Access:

Under Local Planning Policy No. 4 – Vehicle Parking Standards a service station is required to provide one (1) car parking space for every 230m<sup>2</sup> of gross site area. Given that the subject lot has a total area of 3420m<sup>2</sup>, the minimum amount of parking to be provided is 15 spaces. The applicant's plans indicate a total 30 car parking spaces of which two (2) have been designated for vehicles towing a trailer or caravan. The proposal therefore exceeds the minimum requirement.

In terms of access, site inspections arose some concern over the location of the proposed crossover from Newman Drive into the subject site, namely, it is considered that the proposed crossover location is too close to the existing Newman Drive and Fortescue Avenue intersection. In discussions with the Shire's Technical section an alternate location nearer to the Giles Avenue intersection is more appropriate and can be implemented by way of conditional approval requiring the relocation of such crossover. It is noted that there are no concerns with the location of the crossover on Giles Avenue.

Further to the above, it is also noted from site inspections that there are a number of existing crossovers remaining from previous site development(s). In discussing these with Technical services, existing crossovers that are not included in the proposed new development will need to be removed and the verges and road kerbing to be reinstated by the applicant. As with the above, it is considered acceptable that this can be implemented by way of conditional approval if granted by Council.

Landscaping:

Further to previous comments in relation to landscaping and the requirement to provide a visual barrier between the residence on Yandorah Street and the proposed development, the applicant has indicated extensive landscaping within the property boundaries of the subject site. However, in accordance with Council's 'Road Verge Development Criteria' policy, the development will also need to provide suitable landscaping to the road verge area and such landscaping is to form part of the proposed development.

In accordance with Clause 5.12.3 of the Scheme, Council will require the applicant to submit a Landscaping Plan and such plan shall be developed and be maintained to Council's satisfaction. It is proposed that any identified landscaping shortfall can be conditionally approved by way of standard conditions imposed on all non-residential developments should Council support the proposed development.

Advertisements and Signs:

In considering the proposed signage which is to contain both retail and petroleum price information/advertising, it is noted that all signs have been located within the subject site boundaries and will not interfere with vehicular sight lines as viewed from surrounding road intersections. As with all signage in accordance with Clause 5.17 of the Scheme, such signs will need to be kept in a constant state of good repair which is generally imposed by way of conditional approval.

General Comments:

Dealing with hydrocarbons within an urban setting can at times be a difficult process with the prospect of pollution, and in this case, further pollution. However, it is noted that under legislation, operators of facilities such as the one proposed, are required to obtain licences to handle and store such proposed products. These licences are granted by the DMP and are part of legislative requirements above and beyond the local planning framework and therefore does not form part of the local approval process. It is however advised that where Council supports such proposal, the requirement to consult with DMP be advised by way of an 'Advice Note'.

Further to the above, it is noted that Council will need to consider the site specific drainage to ensure that all runoff is contained within the site and treated onsite by way of a coalescing plate separator (or similar) to separate waste liquids for the further appropriate disposal off site. This can be implemented by way of conditional approval where Council supports the proposed development.

As a whole, the proposed development can be deemed to satisfy the Scheme in that it meets the definition of a Service Station and the general objectives of the Mixed Business zone. Furthermore, and as evidenced by the advice received from DER, it is noted that the suitability of the subject site for use as something other than a business of this nature would be inappropriate given the site classification resulting from impacts of the previous service station. It is also considered that the proposed development is complimentary to the surrounding land uses and is in keeping with the historic use of the land.

In light of all of the above, it is recommended that Council support the proposed development subject to conditions being imposed on such approval.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

The applicant will have a right of review through the State Administrative Tribunal.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

3.4 Land use and development control

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

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

### **OFFICER'S RECOMMENDATION**

**THAT Council grants planning approval to the proposed Service Station at Lot 1328 Newman Drive, Newman subject to the following conditions:**

- 1. Development shall be in accordance with the approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the Manager Development Services - Planning;**
- 2. Use of the proposed development (including the land) is for the purposes of a 'Service Station' only as defined in Town Planning Scheme No. 4;**
- 3. All internal car parking and hard stand areas shall be appropriately constructed in accordance with the Shire of East Pilbara's Local Planning Policy No. 4 – Vehicle Parking Standards which includes the sealing, draining, line marking and sign posting (where applicable) of such areas to the satisfaction of the Director of Technical and Development Services and Manager Development Services - Planning;**
- 4. All proposed vehicular crossover(s) shall be constructed in accordance with Council's Crossover Policy and to the satisfaction of the Director of Technical and Development Services. Additionally, where existing crossovers are not incorporated into the approved plan(s), such crossovers shall be removed and the verge and road kerbing being reinstated to the satisfaction of the Director of Technical and Development Services;**
- 5. Further to condition 4 above, the proposed vehicular crossover on Newman Drive shall be relocated so as to avoid any interference with the existing Newman Drive and Fortescue Avenue intersection to the satisfaction of the Director of Technical and Development Services;**
- 6. Further to Condition 3 above and prior to the issue of a Building Permit, details shall be supplied identifying that all drainage and stormwater runoff is contained within the subject site boundaries and processed through a coalescing separator (or similar) to ensure the onsite separation, containment and offsite disposal of waste liquid(s) (including hydrocarbons) to the satisfaction of the Manager Development Services - Health;**

7. The applicant/owner shall submit prior to or in conjunction with the Building Permit Application a Landscaping Plan(s) in accordance with Local Planning Policy No. 4 – Vehicle Parking Standards for the internal areas of the subject property in addition to the road verge directly adjoining the subject property in accordance with Council’s Policy – Road Verge Development Criteria and such plan(s) being approved by the Director of Technical and Development Services and Manager Development Services – Planning;
8. The landscaping for both the internal and verge areas proposed in such Landscaping Plan(s) shall be fully installed and completed prior to occupancy and satisfactorily maintained thereafter;
9. Prior to the commencement of the development, details of the proposed colours and textures of the proposed development shall be submitted and approved by the Manager Development Services - Planning;
10. All signage shall be kept in a constant state of good repair in accordance with Town Planning Scheme No. 4 and to the satisfaction of the Manager Development Services – Planning;
11. All onsite lighting shall be designed and installed in a manner such that light does not overflow and/or interfere with adjoining land uses or roads.

**Advice Notes:**

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
3. If an applicant is aggrieved by this determination there may be a right of review under Part 14 of the *Planning and Development Act 2005*. A review application must be lodged within 28 days of the issue of the determination with the State Administrative Tribunal 12 St George’s Tce, Perth (GPO Box U1991, PERTH 6845) and a copy forwarded to the Shire.
4. This approval *does not* constitute a Building Permit.
5. The applicant/owner is advised that the Department of Mines and Petroleum will require an application to be made under the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 prior to the site becoming operational;
6. The Department of Environment Regulation advises that the extraction and use of ground water on the site is not recommended;
7. The Department of Environment Regulation recommends the use of site specific health and safety plan where excavations extend beyond two (2) metres in depth as part of any site works.

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**9.3.5 PROPOSED ALINTA ENERGY POWER LINE EASEMENT - RESERVE  
39519 (RACECOURSE)**

**File Ref:** A400071  
**Attachments:** [Alinta corridor Shire race course reserve intersect June 2013.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Newman Racecourse Reserve  
**Name of Applicant:** Alinta Energy  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for a proposed power line easement over a portion of the Shire's Racecourse Reserve.

**BACKGROUND**

Both the Chief Executive Officer and the Manager Development Services – Planning have been liaising with Aidan Kelly of Matrix Approvals who is working on behalf of Alinta Energy with respect to a proposed power line to be constructed. Alinta Energy has been engaged by Roy Hill Iron Ore to provide a power transmission line from its existing power station north of the Newman Townsite to the Roy Hill mine site currently under construction.

The proposed route will see the transmission line constructed within the Great Northern Highway road reserve south to the Marble Bar Road turn off and then loosely follow the Marble Road to the Roy Hill Site (refer to route map).

Generally, the proposal consists of transmission "poles" with a safety and protection easement ranging in size from 40m to over 100m from the centre line of the "poles".

Alinta Energy has approached the Shire with regards to consent in providing the grant of easement over a portion of the Racecourse Reserve.

The proposal was discussed briefly during corporate discussion prior to the June 2013 Council meeting whereby Council indicated that it did not have any material concerns over the proposed easement.

**COMMENTS/OPTIONS/DISCUSSIONS**

The proposed power line can be split into two proposals, the first being the Great Northern Highway section and the second being Marble Bar Road section. Overall, there is little or no impact on the Shire resulting from the Marble Bar Road section.

There is however an impact on the Shire with respect to the Great Northern Highway section being a proposed easement over a portion of the Racecourse Reserve. The impacts are as follows:

- Limitation on the use and enjoyment of the land covered by the proposed easement; and
- Restrictions on the type and scale of potential future development of the land affected by the proposed easement i.e. height etc.

The extent of the proposed easement into the Racecourse Reserve ranges from 40m up to 60m as indicated on the attached plan.

In considering the impacts on the existing function(s) of the Racecourse Reserve, it is perceived that the impacts are minimal. Furthermore, and at this point in time, there are no proposals for development and in any case, development (if occurring in the future) would need to be setback from the highway as a matter of proper and orderly planning and construction practices.

It is noted however that the location of proposed Pole 14 may impact on the future car park proposed for the proposed "Stan and Ella" statue recreation lookout. Since being discussed at the corporate discussion, the CEO has since liaised with Aidan Kelly to convey such issue whereby it has been established that the Pole 14 location can be modified to suit once formal plans are prepared for the proposed car park. This can be resolved from on an officer's level should Council agree to an easement being established over the Reserve.

Given that the perceived impacts on Council's operations are minimal and that the proposed easement does not interfere with any of the clubs currently utilising the Reserve, it is considered appropriate for Council to support an easement and instruct officer's to negotiate the final location and extent of such easement.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Any easement affecting Crown Land will need to be approved by the Minister of Lands in accordance with the Land Administration Act 1997. It is advisable that Council enforce that all requirements be borne by the applicant.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

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

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

3.4 Land use and development control

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



**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council:**

1. Advise Alinta Energy that it supports, in principle, the establishment of a power line protection easement over a portion of Reserve 39519 which is to be generally consistent with the attached plan of reference number 0205\_00 and dated 04/06/2013;
2. Instructs the Chief Executive Officer and Manager Development Services – Planning to negotiate the final location of the easement and proposed infrastructure with the applicant;
3. Advises the applicant that it shall be wholly responsible to ensure that compliance is met with the Land Administration Act 1997 and such necessary approvals are sought from the Minister of Lands; and
4. At the completion of two (2) and three (3) above, authorises the Chief Executive Officer and Shire President (where applicable) to sign any documents required for the implementation of the proposed easement and/or infrastructure.

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- 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**  
23 August 2013, Newman
- 15 CLOSURE**