



## **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, Marble Bar,  
1:00 PM, FRIDAY, 26 SEPTEMBER, 2014.

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

THE HEART  
OF THE  
PILBARA



## DISCLAIMER

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

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

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

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

## WRITTEN CONFIRMATION

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

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

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

**2.1 ATTENDANCES**

Councillors

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

Shire President  
Deputy Shire President

Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Rick Miller

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

Public Gallery

**2.2 APOLOGIES**

Councillor Apologies

Nil

Officer Apologies

Ms Sheryl Pobrica

Executive Services Administration 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 August 22 2014 Council.DOCX](#)
    - OFFICER'S RECOMMENDATION
    - THAT the minutes of the Ordinary Meeting of Council held on 22 August 2014, be confirmed as a true and correct record of proceedings.
- 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 DECISION - AUGUST 2014

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

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

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

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER’S RECOMMENDATION**

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>RESPONSIBLE OFFICER</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
31 January 2014	9.1.8	EXTENSION OF LEASE KURRA VILLAGE	CEO		Completed
22 August 2014	9.1.7	KURRA VILLAGE - EXTENSION OF LEASE	CEO		
25 <sup>th</sup> July 2014	13.6	ADSL MARBLE BAR Cr Stephen Kiernan asked if Newman is getting ADSL and if Marble Bar could get ADSL due to the internet problems as discussed at the March Council Meeting Presentation by Marble Bar Community Resource Centre.  Mr Allen Cooper, Chief Executive Officer to provide response received from Telstra.	CEO	CEO has asked Telstra to attend Council Meeting in September at Marble Bar waiting for a response.	September 2014

**9.1.2 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER  
DEVELOPMENT SERVICES - BUILDING**

**File Ref:** ADM-1-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr David Kular  
Manager Human Resources  
**Location/Address:** N/A  
**Name of Applicant:** David Evrett  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Development Services – Building.

**BACKGROUND**

Council employed Mr David Evrett, Manager Development Services – Building. The term of the contract is for two years, expiring on 29 July 2016.

**COMMENTS/OPTIONS/DISCUSSIONS**

Nil

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**Policy:**  
Council's Policy Manual

**EXECUTION OF DOCUMENTS**

Minute No: Item 9.1.3  
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 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

**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 employment contract between the Shire of East Pilbara and Mr David Evrett, Manager Development Services - Building for a term of two years, expiring on 29 July 2016.**

**9.1.3 AFFIXING COMMON SEAL TO EMPLOYEMENT CONTRACT - MANAGER  
RECREATION AND EVENTS**

**File Ref:** ADM-1-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr David Kular  
Manager Human Resources  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Recreation and Events.

**BACKGROUND**

Council recently employed Mr David Goodwin, for a three year contract term, expiring on 11 August 2017.

**COMMENTS/OPTIONS/DISCUSSIONS**

Nil

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**EXECUTION OF DOCUMENTS**

Minute No: Item 9.1.3  
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 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

### **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 employment contract between the Shire of East Pilbara and Mr David Goodwin, Manager Recreation and Events for a term of three years, expiring on 11 August 2017.**

**9.1.4 AFFIXING COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER  
CORPORATE SERVICES**

**File Ref:** ADM-1-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr David Kular  
Manager Human Resources  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Corporate Services.

**BACKGROUND**

Council recently employed Mr Michael Giles, for a three year contract term, expiring on 28 July 2017.

**COMMENTS/OPTIONS/DISCUSSIONS**

Nil

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**EXECUTION OF DOCUMENTS**

Minute No: Item 9.1.3  
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 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

### **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 employment contract between the Shire of East Pilbara and Mr Michael Giles, Manager Corporate Services for a term of three years, expiring on 28 July 2017.**

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**9.1.5 EIGHT YEAR WARD AND REPRESENTATION REVIEW**

**File Ref:** ADM 5-1  
**Attachments:** [Review by LG Advisory Board](#)  
**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 consider correspondence received from the Local Government Advisory Board regarding the “Eight Year Ward” and to consider what action should be taken.

**BACKGROUND**

Correspondence has been received from the Local Government Advisory Board regarding a review of the current ward and representation structure. (Copy attached).

The previous review was undertaken in 2006 at which time the Advisory Board agreed to leave the wards and representation numbers.

The election ratio at the time of the October 2013 election were as follows.

<b>Ward</b>	<b>Number of Councillors</b>	<b>Number of Electors</b>	<b>Councillor to Elector Ratio</b>	<b>Current Councillor</b>
Central	1	172	172	Cr Dean Hatwell
East	1	366	366	Cr Kevin Danks
Lower Central	1	131	131	Cr Bidy Schill
North	1	14	14	Cr Lang Coppin
North West	1	79	79	Cr Stephen Kiernan
South	6	2333	389	Cr Lynne Craigie Cr Anita Grace Cr Gerry Parsons Cr Craig Hoyer Cr Shane Carter Cr Doug Stead
Total	11	3095	Av: 281	

The review has to be undertaken and submitted to the board by 31<sup>st</sup> March 2015.



## COMMENTS/OPTIONS/DISCUSSIONS

Nil

## STATUTORY IMPLICATIONS/REQUIREMENTS

Schedule 2.2 of the Local Government Act 1995 refer to the requirements for and the form of a ward structure review.

### 2.2. Districts may be divided into wards

- (1) The Governor, on the recommendation of the Minister, may make an order —
  - (a) dividing a district into wards; or
  - (b) creating new wards in a district that is already divided into wards; or
  - (c) changing the boundaries of a ward; or
  - (d) abolishing any or all of the wards into which a district is divided; or
  - (e) as to a combination of any of those matters.
- (2) For the purposes of this Act —
  - (a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and
  - (b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.
- (3) Schedule 2.2 (which deals with wards and representation) has effect.
- (4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

## POLICY IMPLICATIONS

Nil

## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

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

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

## FINANCIAL IMPLICATIONS

To be taken from account 41010. Consultancies/Relief budget \$120,000 balance at 12 September 2014 is \$56,000.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Note the correspondence received from the Local Government Advisory Board.**
- 2. Request the CEO to take the necessary action to ensure the review is undertaken by the 31<sup>st</sup> March 2015.**

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

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

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

---

**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

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

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

**26 SEPTEMBER, 2014**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
23 August 2013	13.5	CIVIC CENTRE – MARBLE BAR Cr Stephen Kiernan asked if the flooring can be repaired or replaced due to wear and tear. Also the window could be tinted and lights checked. Manager Building Assets to follow up	MBA	Flooring claimed and accepted under insurance. PO issued. Date to be determined for works.	01/11/2014
6 December 2013	13.11	CAPE KERAUDREN Cr Lang Coppin asked about the running and managing cost for Cape Keraudren. Deputy Chief Executive Officer replied a report was currently being undertaken by the Manager Building Assets.	DCEO	Meeting 13 <sup>th</sup> June 2014 with the Department to discuss future of Cape Keraudren	In Progress
14 March 2014	9.2.20	MARBLE BAR RESERVE 2906 – CONSIDERATION OF GAUGING CABLEWAY (FLYING FOX)	MBA	Waiting for response from Department of Water & Rivers	October 2014
14 March 2014	13.10	NEWMAN SKATE PARK Cr Gerry Parsons tabled a letter regarding the Shire if they could build a better skate park or if they cannot then what improvements could be done to make the skate park a better place for the community to use. The Chief Executive Officer stated the correspondence has been received and will be considered.	MCW	Sue met with Liam and his father. Small works forwarded to MRE for action. Larger works to be planned for as per our current strategic documents	October 2014
24 April 2014	13.3	LANDSCAPING MINDARRA DRIVE Cr Shane Carter said the landscaping is starting to look good, is it possible to meet with the Newman Club to discuss their intentions. Deputy Chief Executive Officer to follow up.	DCEO	Manager of Newman Club did not attend the Council Meeting in July will ask again to attend in October.	Dependent upon club
23 May 2014	9.2.3	DRAFT REPORTS - IMPROVING YOUTH, FAMILY AND CHILDREN'S SERVICES DELIVERY IN NULLAGINE AND MARBLE BAR	DCEO	In agenda	September 2014
27 <sup>th</sup> June 2014	13.8	NULLAGINE NEW TOILET BLOCK AND SEATING Cr Bidy Schill said thank you for the new toilet block and seating area in Nullagine, installed through the Pilbara Regional Council	DCEO	Hand basin and water installed including dump point. , Quote for lights being sought and toilet roll holders still to be	October 2014

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		but she had a concern as there is no hand basin, no water supply, no lighting, and no toilet roll holders is it possible to get these installed. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.		installed.	
22 August 2014	13.10	<b>CIVIC CENTRE – MARBLE BAR</b> Cr Dean Hatwell said the power at the Civic Centre is tripping out constantly and requires looking at as there was an event which the people plugged in two toasters tripping out the power. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Marble Bar electrical have attended property and say the problem is that the centre is running on one circuit. An additional circuit will not necessarily solve the issue. Warren is to ask Mbar electrical to suggest a solution to issue.	November 2014
22 August 2014	13.15	<b>FORTESCUE FESTIVAL</b> Cr Lynne Craigie asked can we establish a working group to help the Lions Club to review the activities and events for the Fortescue Festival. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Internal meeting organised prior to meeting with external stakeholders.	September 2014

**9.2.2 AFFIXING COMMON SEAL TO BHPBIO FUNDING CONTRACT - EAST  
PILBARA ARTS CENTRE**

**File Ref:** FIN-4-3  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Dawn Brown  
Asset & Procurement Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Community Development Project Contract with BHPBIO in relation to the East Pilbara Arts Centre Project.

**BACKGROUND**

The funded project will comprise an architecturally designed, civic minded, socially and environmentally sustainable gallery/art space, administration building with commercial grade kitchen and caretaker accommodation located on Lot 1913 on Deposited Plan 216630, Newman.

In particular, the funding received from BHPBIO will contribute towards the following project elements:

- Project management;
- Statutory planning approval;
- Construction costs;
- Furniture and fittings; and
- Project administration, marketing and promotion.

**COMMENTS/OPTIONS/DISCUSSIONS**

The funded amount to be received from BHPBIO will be \$4,000,000. Funding from Lottery West has also been sourced for the East Pilbara Arts Centre project.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

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

**Objective**

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To allow for the proper execution of documents.

**Policy**

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

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

**Power/Duty/Authorisation Delegated:**

Authority to prepare the necessary documentation to execute documents taking into account any specific or policy requirements of council where:  
The Council has authorised entering into a formal contract or a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council or a formal contract is authorised under a delegated authority from the Council.

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

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law

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

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

**STRATEGIC COMMUNITY PLAN**

**Goal 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

1.3.3 Implement civic engagement projects

Responsible officer: MCW

Timing: 1-3 years

**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 Art, culture and youth

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council have been advised that the Common Seal has been affixed under delegated authority to the Community Development Project Contract with BHPBIO in relation to the East Pilbara Arts Centre Project funding for the amount of \$4,000,000.**

**9.2.3 AFFIXING COMMON SEAL TO CONTRACT - FLEETWOOD PTY LTD**

**File Ref:** LEG-13-3-22  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Dawn Brown  
Asset & Procurement Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between the Shire and Fleetwood Pty Ltd with respect to the Design and Construct House – Lot 110 Homestead Ramble, Newman for the amount of \$663,592 gst exclusive.

**BACKGROUND**

At the Council meeting held on the 27<sup>th</sup> June, 2014, Council resolved to award Tender RFT 22-2013/2014 to Fleetwood Pty Ltd. (Resolution 201314/328).

Following Council's resolution the Contract between the Shire and Fleetwood Pty Ltd has now been drawn up, and has been signed by Fleetwood Pty Ltd.

**COMMENTS/OPTIONS/DISCUSSIONS**

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

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

4.5 EXECUTION OF DOCUMENTS

**Minute No:** Item 9.1.3

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

**Objective**

To allow for the proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

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

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

1.2 Foster a great place to work

1.2.3 Plan, attract and maintain staff  
Responsible officer: MHR  
Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Fleetwood Pty Ltd with respect to the Design and Construct House – Lot 110 Homestead Ramble, Newman for the amount of \$663,592 gst exclusive**

#### 9.2.4 AFFIXING COMMON SEAL TO CONTRACT - MCGRATH HOMES

**File Ref:** LEG-13-3-25  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Dawn Brown  
Asset and Procurement 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 Contract between the Shire and McGrath Homes with respect to the Design and Construct Four Houses in East Newman for the cost of \$1,360,432.89 gst exclusive.

#### BACKGROUND

At the Council meeting held on the 27<sup>th</sup> June, 2014 Council resolved to award Tender RFT 25-2013/14 to McGrath Homes. (Resolution 201314/332).

Following Council's resolution the Contract between the Shire and McGrath Homes has now been drawn up.

#### COMMENTS/OPTIONS/DISCUSSIONS

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

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

#### POLICY IMPLICATIONS

#### 4.5 EXECUTION OF DOCUMENTS

**Minute No:** Item 9.1.3

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

#### Objective

To allow for the proper execution of documents.

## **Policy**

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

## **STRATEGIC COMMUNITY PLAN**

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

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

#### 2.1 Health and recreation

##### 2.1.4 Support individual and community health

Responsible officer: MCW

Timing: 1-5 years

### **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.

#### 1.2 Foster a great place to work

##### 1.2.3 Plan, attract and maintain staff

Responsible officer: MHR

Timing: 1-5 years

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple.

## **OFFICER'S RECOMMENDATION**

**THAT Council approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and McGrath Homes with respect to the Design and Construct Four Houses in East Newman for the cost of \$1,360,432.89 gst exclusive.**

**9.2.5 AFFIXING COMMON SEAL TO CONTRACT - MEGARA CONSTRUCTIONS  
PTY LTD**

**File Ref:** LEG-13-3-24  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Dawn Brown  
Asset & Procurement Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between the Shire and Megara Constructions Pty Ltd with respect to the Design and Construct Three Group Houses – Moondoorow Housing Project for the cost of \$1,199,945.55 gst exclusive.

**BACKGROUND**

At the Council meeting held on the 27<sup>th</sup> June, 2014, Council resolved to award Tender RFT 24-2013/14 to Megara Constructions Pty Ltd. (Resolution 201314/330).

Following Council's resolution the Contract between the Shire and Megara Constructions Pty Ltd has now been drawn up.

**COMMENTS/OPTIONS/DISCUSSIONS**

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

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

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

**Objective**

To allow for the proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

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

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

1.2 Foster a great place to work

1.2.3 Plan, attract and maintain staff  
Responsible officer: MHR  
Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between Megara Constructions Pty Ltd with respect to the Design and Construct Three Group Houses – Moondoorow Housing Project for the cost of \$1,199,945.55 gst exclusive.**

### 9.2.6 FREEDOM OF INFORMATION 2014

<b>File Ref:</b>	<b>LEG-9-3-1</b>
<b>Attachments:</b>	<a href="#">Freedom of Information 2014.docx</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sue Mearns Coordinator Governance</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 Councils endorsement of the Freedom of Information Statement 2014 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 twelve months.

### COMMENTS/OPTIONS/DISCUSSIONS

The Freedom of Information Statement has recently been updated and is attached for Councils 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

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

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**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the Freedom of Information Statement 2014 in accordance with Part 5 of the *Freedom of Information Act 1992*.**

### 9.2.7 BUDGET REVIEW 2014/15 - MARTUMILI ACQUISITION OF ASSET

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

**Author:** Mr Michael Giles  
Manager Corporate Services

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#### REPORT PURPOSE

To authorise unbudgeted expenditure for the replacement of motor vehicle sold at public auction in April 2014.

#### BACKGROUND

Council budgeted for the changeover of the Martumili Landcruiser Troop Carrier 4WD (Asset No 111423B) during 2013/14. The vehicle was sold at public auction during April 2014 however no replacement was purchased prior to the end of the financial year. The budgeted replacement cost was \$80,000 and instead of being carried forward into the new Annual Budget 2014/15, the unused funds were incorporated within the end of year transfer to the Martumili Operations Reserve Fund. A budget allocation is now required within this financial year to authorise expenditure on this capital purchase.

#### COMMENTS/OPTIONS/DISCUSSIONS

Upon Council's authorisation, \$80,000 will be transferred back from the Reserve Account to the Municipal Fund and purchase of replacement vehicle sanctioned. Because of this transfer between funds there will be no effect on the Surplus/Deficit account.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 4 - General financial provisions) 6.8. Expenditure from municipal fund not included in annual budget (pg 217)

#### POLICY IMPLICATIONS

##### 3.4 BUDGET AMENDMENTS

#### 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
    - 1.1.2 Continued strong financial management
    - 1.1.3 Effective business management
-

**FINANCIAL IMPLICATIONS**

No financial resource impact. The transfer from the Reserve Fund provides a null effect upon the Municipal Surplus/Deficit Account.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council approves the transfer of \$80,000 from the Martumili Operations Reserve Account to the Municipal Fund to create a capital purchase allocation of \$80,000 for the Martumili motor vehicle replacement program.**

### 9.2.8 FUTURE OF NEWMAN COMMUNITY LIBRARY

<b>Attachments:</b>	<a href="#">ICR14_19213.pdf</a> <a href="#">Licence Agreement.pdf</a> <a href="#">PI 100714.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive 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 consider endorsing further investigation into the Shire taking over the running of the Newman Community Library from the Pilbara TAFE.

### BACKGROUND

In 1985 the Shire of East Pilbara and Hedland College entered into an agreement for the establishment and operation of a joint library facility. Council paid 72% of the cost of the construction of the building, Hedland College paid 28%. The ownership and operation of the building would be retained by Hedland College, with a 50% contribution of total costs being distributed three times a year by the Council to the College. This licence is up for renewal 22<sup>nd</sup> October 2016 (attached).

### COMMENTS/OPTIONS/DISCUSSIONS

A brief discussion with previous management of Hedland College was had two years ago regarding the possible transfer of the facility to the Shire. No further discussion was entered into at that time. Officers at the Shire recently requested advice from the Pilbara Institute regarding the future direction of the library and this has prompted the receipt of correspondence from the Pilbara Institute (attached) regarding the “transfer of the library operations entirely to the East Pilbara Shire Council”.

As a significant amount of investigation would need to be carried out regarding any transfer, necessitating time and resources expended, officers require a direction from Council regarding this request.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

### POLICY IMPLICATIONS

Nil

### STRATEGIC COMMUNITY PLAN

**Goal 2 – Social – Planned Actions**

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

2.4 Diverse and inclusive communities

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Simple.

### **OFFICER'S RECOMMENDATION**

**THAT Council endorse further investigation into Council taking over the operations of the Newman Community Library, in entirety, from the Pilbara Institute.**

**9.2.9 MARBLE BAR AND NULLAGINE FAMILY, CHILDREN & YOUTH  
REPORTS**

**File Ref:** STR-3-4-5 / STR-3-4-6

**Attachments:** [9th June meeting progress\(2\).docx](#)  
[Marble Bar Response August2014.docx](#)  
[Marble Bar Session 9th November 2013.docx](#)  
[Summary 21 May 2013 YFCS 15July2013.docx](#)  
[Review of WACRN government response.pdf](#)  
[Marble Bar report-May Final Proof.pdf](#)  
[Nullagine Report May Final Proof pdf](#)

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

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

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council's endorsement of the reports into Youth and Family & Children's Services Delivery for both Nullagine and Marble Bar.

**BACKGROUND**

At the 27<sup>th</sup> June 2014 Council Meeting Council resolved:

*To "endorse the Youth, Family and Children's plan for Newman and approve the documents be advertised for public comment."*

**COMMENTS/OPTIONS/DISCUSSIONS**

Both reports were subsequently advertised for public comment. Nullagine Family, Children and Youth Report received not submissions.

The Marble Bar Family, Children and Youth Report received one submission via a public meeting of which 12 people attended. A copy of this submission is attached. The sentiment of the submission is somewhat negative to the report. A response to this submission was sought from the Consultant, Neil Noelker Consulting, and is also attached. Minutes from the two community meetings held in Marble Bar and referred to in the response from Neil Noelker Consulting together with the CRC government reform paper are also attached.

Mr Noelker's response again significantly revolved around the CRC model to deliver necessary services that were determined within the report. Officers believe that together with the report, the minutes of community meetings and the preliminary findings, issued under separate cover, a significant amount of information has been determined that will benefit the Marble Bar community. The endorsement of these reports can be used as a tool for lobbying as well as Council direction of resource expenditure

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

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

- 2.3.2 Develop and implement youth projects  
Responsible officer: MCW  
Timing: 1-3 years

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

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

- 2.1.1 Promote safe and healthy communities  
Responsible officer: MCW  
Timing: 1-3 years

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

### **OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Endorse the Report into Youth and Family & Children's Services Delivery – Nullagine**
- 2. Endorse the Report into Youth and Family & Children's Services Delivery – Marble Bar**

**9.2.10 PROPOSED OFFICE DEVELOPMENT - LOT 500**

**File Ref:** A4000000  
**Attachments:** [Office Development Proposal Newman\\_Bus Case V2\\_1Sept2014.docx](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Neil Noelker  
Consultant  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To inform Council of a proposed development to initiate the development and construction of office and associated accommodation space in Newman with the Shire of East Pilbara undertaking the initial investigation, business planning and development.

**BACKGROUND**

As growth continues in the Newman town centre, concerns about the availability of office space and businesses continue as an issue.

In many cases businesses find it difficult to establish and provide an appropriate level of service for the Newman community due to the lack of office space available. There is anecdotal evidence of businesses conducting their services out of motel rooms in order to provide a service to the Newman community.

Council has an opportunity to purchase an 1152 square metre allotment which has received preliminary approval from the Minister for Regional Development Lands and the Minister Assisting the Minister for State Development for the purchase of a portion of the Reserve 38510 (the old tennis court site) to enable proposed offices and accommodation to be developed.

The conditional title having being approved in principle for the sale of this land to the Shire of East Pilbara is for 5% of the current unimproved market value (\$40,000) in recognition this development provides community benefit for Newman and conditional on being provided with a Business Plan.

Part of the approval is for the Shire of East Pilbara to undertake the project so that the Minister may proceed with the sale of the property and ultimate construction of the facility.

**COMMENTS/OPTIONS/DISCUSSIONS**

The purpose of this report is to undertake the necessary assessment through the Business Plan for this project in order for it to be submitted and approval given by the Minister for the sale of land to the Shire of East Pilbara.

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The purchase of this land at 5% of capital value enables Council to very realistically undertake an assessment to provide the office space and accommodation within what would appear could be a very reasonable cost of development.

Attached for Council's consideration is the Business Case which supports the development of the Business Plan which was required by the Minister.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.59. Commercial enterprises by local governments (pg 72)

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

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

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

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

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

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. Plan quote \$50,000.

Account number 131267 budget \$165,000.  
Balance as at 14 September 2014 , \$61,500

### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council supports the development of the Business Plan for the full investigation associated with construction of office and accommodation space, Lot 500 Mindarra Drive, Newman WA 6753.**

### 9.2.11 VARIATIONS TO FEES AND CHARGES FOR STAFF HOUSING RENTS

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

**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To seek Council approval to adopt new Fees and Charges for shared staff accommodation located at Newman Airport.

#### BACKGROUND

The Shire of East Pilbara has a unit located at the Newman Airport, which could accommodate two single staff members. The unit has two bedrooms each of which include a private ensuite, and the communal area comprises of a lounge, dining, kitchen, laundry and external area.

We have provided staff with shared accommodation dwellings in the past on a short term basis.

#### COMMENTS/OPTIONS/DISCUSSIONS

The proposed new fee provides the Shire with greater flexibility to provide additional staff accommodation options to attract and retain employees

The Shire of East Pilbara currently charges staff the rental amount of \$90.00 per week for unfurnished accommodation, excluding power and water consumption.

The proposed rental rate per person for shared accommodation at the Newman Airport would comprise of the following;

Rental	\$ 90.00	as per current Fees and Charges
Power & Water	\$ 50.00	Consumption
Furniture	\$ 30.00	Recouping costs for furnishings (All areas)
Cleaning	\$ 30.00	Contractor
Total Rental	<b>\$200.00</b>	Per person, per week.

The maintenance of the premises will be the responsibility of the tenant/s for garden, lawns and general area.

Internally, the bedrooms will be the responsibility of the tenant to maintain at all times including their ensuite. A contractor will be appointed to clean the communal area, including the general toilet, entrance and patio area on a fortnightly basis, in addition arrangements will be made for the following works as required

- Oven cleaning – twice per year

- Window Cleaning – twice per year
- Cleaning of blinds and fittings - quarterly
- Cleaning of fridge when required – quarterly or as required
- Cleaning of cupboards – quarterly or as required
- Carpet Shampoo - annually

There is a Shared Accommodation Conditions form that is to be signed by staff members entering into the Shared Accommodation, sign a Shared Accommodation conditions form, which outlines the requirements of the tenancy and the Shire of East Pilbara.

Inspections will be conducted as per all Shire of East Pilbara tenants under the Residential Tenancy Agreement.

Tenant will have to pay a bond, which is equivalent to 4 weeks rent under the Residential Tenancy Act, and the Shire submits to the Department of Commerce – Bond Administration.

The tenant will have to comply with all requirements of the Residential Tenancy Act as per all staff accommodated by the Shire of East Pilbara.

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

Nil

#### **POLICY IMPLICATIONS**

#### **2.13 HOUSING TENANCY AGREEMENTS**

#### **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.

#### **3.2 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 Council**

- 1. Approves the new Fees and Charges for 2014-15 for Staff Shared Accommodation Rental at Newman Airport for the amount of \$200.00 per week/person and includes rent, power, water consumption and cleaning to communal areas of dwelling.**
- 2. Provides notice of the adopted Fees and Charges as advertised, pursuant to Section 6.19 of the Local Government Act 1985.**
- 3. Impose the new fees effective from the 1<sup>st</sup> November 2014.**

**9.2.12 WA TREASURY CORPORATION - EXECUTION OF THE LOCAL  
GOVERNMENT MASTER LENDING AGREEMENT**

**File Ref:** ORG-5-48  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Michael Giles  
Manager Corporate Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To implement the Local Government Master Lending Agreement (LGMLA) the Western Australian Treasury Corporation (WATC) requires Council to execute the LGMLA under its Common Seal as authorised by resolution of Council.

**BACKGROUND**

WATC is implementing this Master Lending Agreement for local governments. The new LGMLA has been developed to incorporate the recently introduced Commonwealth Government's Personal Property Security Act 2009 (PPSA) and to improve the efficiency of the lending processes to local governments. The LGMLA has been reviewed by the State Solicitor's Office and the Department of Local Government.

**COMMENTS/OPTIONS/DISCUSSIONS**

The LGMLA for the Shire of East Pilbara sweeps all existing loans under the LGMLA and facilitates future borrowings under the one agreement thereby removing the need for individual loan agreements to be executed under seal each time Council borrows from WATC. As a local government is only permitted to provide security in a way of a charge over its General Funds pursuant to section 6.21 of the Local Government Act, WATC was advised of the requirement to register these charges under the PPSA and include reference to this requirement within the new LGMLA. Any borrowings under the LGMLA will be subject to WATC's credit approval policy at the time of the application, and the release of funds is subject to the issuance of a firm rate quote by WATC and its acceptance by an authorised signatory of the Shire of East Pilbara.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 6 - Financial management (Division 5 - Financing local government activities) (Subdivision 3 - Borrowings) 6.20. Power to Borrow (pg 225)  
Part 6 - Financial management (Division 5 - Financing local government activities) (Subdivision 3 - Borrowings) 6.21. Restrictions on Borrowings (pg 227)

## **POLICY IMPLICATIONS**

### 4.5 EXECUTION OF DOCUMENTS

#### **STRATEGIC COMMUNITY PLAN**

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

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

- 1.1 Efficient and effective local government
- 1.1.1 Ethical, accountable and transparent decision-making
- 1.1.2 Continued strong financial management
- 1.1.3 Effective business management

#### **FINANCIAL IMPLICATIONS**

No financial resource impact.

#### **VOTING REQUIREMENTS**

Simple.

#### **OFFICER'S RECOMMENDATION**

##### **THAT Council**

- 1. Enters into a Master Lending Agreement with Western Australian Treasury Corporation.**
- 2. Approves the affixation of the Common Seal of the Shire of East Pilbara to the said Master Lending Agreement in the presence of the President and Chief Executive Officer, and**
- 3. Authorises the Chief Executive Officer to sign schedule documents under the Master Lending Agreement.**

**9.2.13 MONTHLY FINANCIAL STATEMENTS - JULY 2014**

<b>Attachments:</b>	<a href="#">July 2014 Variance Report.doc</a> <a href="#">July Financial Statements.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Lisa Davis</b> <b>Coordinator Financial Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To provide 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 2014 of the 2014/2015 financial year –

There are 4 sections of the monthly report:

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

**COMMENTS/OPTIONS/DISCUSSIONS**

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

Reportable variations in accordance with accounting policies are as follows:

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

*“The financial report is to –*

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- (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 2014 of the 2014/2015 financial year as presented be received.**

### 9.2.14 CREDITORS FOR PAYMENT

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

**Attachments:** [EFT Cheque](#)  
[EFT](#)  
[EFT Cheque Manual](#)

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

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

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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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 22nd August 2014.

### COMMENTS/OPTIONS/DISCUSSIONS

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT 24912 – EFT25279	4,062,157.48
	<b>Total</b>	<b>\$4,062,157.48</b>
Cheque Payments	23019 - 23064	184,696.19
Manual Chq Payments	189 - 197	46,209.25
	<b>Total</b>	<b>\$230,905.44</b>
	<b>GRAND TOTAL</b>	<b><u>\$4,293,062.92</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  
23027, 23035

CANCELLED CHEQUES & EFTS

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EFT24981

**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 0

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT 24912 – EFT25279	4,062,157.48
	<b>Total</b>	<b>\$4,062,157.48</b>
Cheque Payments	23019 - 23064	184,696.19
Manual Chq Payments	189 - 197	46,209.25
	<b>Total</b>	<b>\$230,905.44</b>
	<b>GRAND TOTAL</b>	<b><u>\$4,293,062.92</u></b>

### 9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

#### 9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISION – AUGUST 2014

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

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

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

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

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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 August 2014 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads	DTDS	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Officers to allocate resources to develop themes and seek funding	Pending
23 August 2013	13.3	WOODIE WOODIE AREA Cr Kevin Danks has asked if it was possible to have the correct names on the signs. Cr Kevin Danks will give the correct names. Director Technical and Development Services to follow up.	MTS-R	A works request has been raised to install correct geonoma naming for creeks. Consultation will be required with consolidated as old names are reference points use for many years by truck drivers	Dec 2014
24 April 2014	13.4	FIRE STATION NEWMAN RECLAIM WATER Cr Doug Stead has asked about reclaim water for the greening of the Newman Fire Station. Director Technical and Development Services to follow up.	DTDS	Written application by Newman Fire Station to SOEP. – Verbal Advice will be provided on process	October 2014
23 May 2014	13.1	CAPE KERAUDREN BOAT RAMP Cr Stephen Kiernan asked if the width of the boat ramp can be looked at, as	MTS-R	DTDS has inspected. A works request has been raised to carry out minor	October 2014

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		it could be a hazard especially at night time. Director Technical and Development Officer to follow up.		repairs to make safe	
27 <sup>th</sup> June 2014	13.2	<b>RUBBISH BUILDING MATERIALS</b> Cr Anita Grace asked if the building material between the Anglican Church and Pit Stop the land in the middle be cleaned up or removed. Mr Rick Miller, Director Technical and Development Services to follow up.	MDS-P MDS-B	Clean up has commenced with one section completely cleaned up. Dave will continue to follow up on the outstanding.	September 2014
27 <sup>th</sup> June 2014		<b>ROCK WALL – RADIO HILL</b> Cr Shane Carter asked if the rock wall up on Radio Hill can be completed as it was never finished. Mr Rick Miller, Director Technical and Development Services to follow up.	DTDS	Repairs to existing wall completed.	November 2014
25 July 2014	13.5	<b>MARBLE BAR TOURIST ASSOCIATION SIGNS</b> Cr Dean Hatwell said at the Marble Bar Tourist Association committee meetings the Tourist Signs is always on the agenda and is it possible to speak with the Marble Bar Tourist Association to clarify which signs can be put up for Tourists. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	A letter detailing what signs the shire has installed and will install and will be sent to the MBTA	September 2014
22 August 2014	13.1	<b>RADIO HILL BBQ LIGHT</b> Cr Gerry Parsons said the BBQ light is out at Radio Hill if it can be fixed. Director Technical and Development Services to follow up.	DTDS CBS	A works request has been raised to arrange repairs	September 2014
22 August 2014	13.3	<b>DOG CONTROL NULLAGINE</b> Cr Bidy Schill asked again regarding dog control in Nullagine as dogs are roaming the streets.	MCS		

<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>
		Mr Rick Miller replied the Rangers are attending Nullagine more frequently and are trying to speak with the elder of the community but every time the rangers are in Nullagine the elder is not. Director Technical and Development Services to follow up.			
22 August 2014	13.5	<b>FIREBREAK</b> Cr Bidy Schill said this has be brought up at previous Council meeting regarding firebreaks as yet this has not been done. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	Areas nearby had been cleared. A new works request has been raised showing specific location	October 2014
22 August 2014	13.8	<b>PIONEER CEMETERY MARBLE BAR</b> Cr Kevin Danks note the Marble Bar Pioneer Cemetery requires cleaning up. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	Noted and scheduled to occur after priority town maintenance works have been completed.	September 2014
22 August 2014	13.9	<b>CATTLE – MARBE BAR SPORTING COMPLEX</b> Cr Dean Hatwell asked if the Shire can notify Limestone Station as the cattle are getting in at the Marble Bar Sporting Complex, and also people are not closing the gate. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R MCS	Marble Bar staff have contacted Limestone Station and received little cooperation. Ranger Services will now investigate and follow up.	
22 August 2014	13.11	<b>WARRALONG ROAD</b> Cr Dean Hatwell asked if the Warralong Road can be graded. Mr Rick Miller, Director Technical and Development Services to	MTS-R	Works request has been raised. Graders are on continuous circuit and expect to be in area late October.	November 2014



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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>
		follow up.			
22 August 2014		CARRAWINE GEORGE Access Road request to Grade	MTS-R	Works request has been raised. Graders are on continuous circuit and expect to be in area late October.	November 2014

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**9.3.2 APPLICATION TO KEEP MORE THAN TWO DOGS AT 41 WILARA STREET, NEWMAN**

**File Ref:** RNG 1-3 ICS14-19868  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Arron Livingstone  
Shire Ranger  
**Location/Address:** 41 WILARA STREET, NEWMAN, WA 6753  
**Name of Applicant:** JESSICA HUGHES  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

The applicant Ms Jessica Hughes seeks approval to keep three dogs at 41 Wilara Street, Newman WA 6753

**BACKGROUND**

Ms Jessica Hughes has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs at 41 Wilara Street, Newman.

Rangers undertook normal enquiries to determine if the application was appropriate.

The details of the dogs are as follows:

<b>DOG (breed)</b>	<b>SEX</b>	<b>COLOUR</b>	<b>REGISTRATION NUMBER</b>	<b>STERILISED Y/N</b>
1 Rottweiler X	Male	Black & Tan	TBA	Yes
2 Shih Tzu X	Male	Grey	TBA	Yes
3 Shih Tzu X	Male	Black & Tan	Y2603	Yes

**COMMENTS/OPTIONS/DISCUSSIONS**

Reasons for keeping more than two Dogs:

Ms Hughes states that the dogs are part of the family and that her children have become very attached to the dogs. The dogs were rescued from a humane society.

As part of the application process seven surrounding residents were issued with Residential Survey forms under the Dog Act (1976), none were returned.

Public Notices were placed under the Dog Act (1976) with no response.

Pending approval of this application both dogs will be relocated to 41 Wilara Street, Newman and be registered with the Shire of East Pilbara.

Dog History:

Only one dog, "OTIS" (Y2603) is currently registered with the Shire of East Pilbara and no complaints have been previously received in relation to this dog.

**Property Inspection:**

A full inspection was carried out by Council Rangers of the premises on 2<sup>nd</sup> September 2014. The fencing and gating of the premises was found to be satisfactory. The dogs were inspected and found to be in good health and compliant with the Dog Act 1976.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Dog Act 1976 (as amended), - Section 26. Limitation as to numbers; is applicable

S26 (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
- (c) may be revoked or varied at any time.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

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

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the application to keep three (3) dogs at 41 Wilara Street, Newman, WA. 6753, subject to the following standard conditions:**

- 1. All Dogs are to be registered with the Shire of East Pilbara at all times**
- 2. Only those dogs specified in the application may be kept at the nominated address.**
- 3. Fencing must be maintained such that all dogs are confined upon the premises at all times, unless in the company of a responsible person and in compliance with the provisions of the Dog Act 1976 (As Amended).**
- 4. Any contravention of the Dog Act 1976 (As Amended) is reason for immediate, "on the spot", revocation of this permission.**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this approval.**

### 9.3.3 DOG PROHIBITED AREAS

<b>Attachments:</b>	<a href="#">Capricorn Complex</a> <a href="#">Boomerang Complex</a> <a href="#">Boorthanna Park</a> <a href="#">Marble Bar</a> <a href="#">Nullagine</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Andrew Norris</b> <b>Coordinator Ranger and Emergency Services</b>
<b>Location/Address:</b>	<b>Various Dog exercise and prohibited areas</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 further information and clarification relating to Dog prohibited areas and  
To provide further information and clarification relating to Dog prohibited areas and exercise areas as requested in minutes 25 July Council meeting and to finalise resolutions with respect to this matter.

### BACKGROUND

A sunset clause in the amended Dog Act 1976 resulted in all prohibited and dog exercise areas being repealed from Councils Dog's Local Law 2011. In order to Prohibit dogs from specific areas, Council now has to declare such areas by resolution. Such a resolution was presented to Council on 25 July 2014.

At the Ordinary Council Meeting July 25<sup>th</sup>, 2014, Council resolved the following:

*"THAT Council;*

1. *Declare the following areas dog prohibited areas:*
    - (a) *a public building, unless permitted by a sign;*
    - (b) *a theatre or picture gardens;*
    - (c) *all food premises and food transport vehicles;*
    - (d) *a public swimming pool;*
    - (e) *a public toilet block or changing room; and*
    - (f) *a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.*
  
  2. *Declare the following areas dog exercise areas subject to the conditions and restrictions as specified*
    - a) *Newman - Reserve 38372, Capricorn Oval, Thulluna Crescent*
    - b) *Newman - Lot 840 Boorthanna Crescent*
    - c) *Newman - Reserve 38512, Boomerang Oval, Newman Drive*
    - d) *Nullagine - Reserve 23348, 167 Cooke Street, Nullagine*
    - e) *Marble Bar - Reserve 29882, 230 General Street, Marble Bar**Conditions where and when exercise areas do not apply:*
-

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

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

At present with the above resolution and conditions as per the Council meeting of July 25<sup>th</sup>, it allows dogs to be in children's play grounds or to impact on sporting activities with impunity. To rectify this situation the previously existing local law conditions should be reinstated. Since 31 July 2014, this can now be done through a resolution of Council.

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

The intent of the previous report and associated recommendations was to preserve the status quo that existed prior to the sunset clause in the Amended Dog Act. The pre-existing areas and conditions were cited directly from the repealed clauses of the Dog's Local Law as recommendations for the required resolution.

During the July 25<sup>th</sup> meeting, Council took the opportunity to remove certain conditions associated with dog exercise areas and dog prohibited areas that were in place to provide other users of shared open space, protection from interference or nuisance from dogs.

Essentially a multiple land use policy exists over most developed reserves and recreational areas to obtain the maximum benefit from public amenity and open space areas. This practice can result in multiple, sometimes conflicting land uses on the same open space. The outcome has resulted in children's playgrounds being within exercise areas and dog exercise areas located at major sporting complexes.

Conditions and laws are required to limit any conflict between the various users and minimise any potential liabilities.

The Dogs Local Law previously attempted to resolve any conflicts between the various land uses by placing conditions on the use of public open space as dog exercise areas. One of these conditions was the prohibition of dogs within ten metres of children's playing equipment or apparatus (Or if the playground was fenced then dogs were prohibited inside that fence.). The other condition was the preclusion of dogs whilst sporting and other events were taking place ("Ten metres from the edge of a playing field being used for sporting or other activities").

Where fencing is or was referred to; it did not refer to a boundary fence around the perimeter of the reserve (e.g. Capricorn Reserve) but to a fence specifically placed around and within ten metres or less of play equipment to protect children's

playgrounds (e.g. Miners Promise Park). In some locations (e.g. Marble Bar) it would be easy to misconstrue the intent of this clause.

In essence the intent of the former conditions in the Local Law and the previous recommendation was to:

- Prohibit dogs from certain areas, such as food outlets, toilets, swimming pools and including playgrounds (fenced or otherwise), and
- Where children's play equipment is co-located within a dog exercise area, prevent dogs from approaching within 10 metres of unfenced play equipment or entering a fenced playground area within the dog exercise area.
- Where a dog exercise area and playing field are co-located and the field is being used for sporting or other activities prevent dogs from being within 10 metres of the edge of that playing field.

Not making a resolution to preclude dogs from playgrounds and sports fields when a sporting activity is taking place may allow dogs into these areas to potentially interact with any person in that area. This may cause council potential liabilities arising from such interactions that persons in these previously prohibited areas may experience or be exposed to.

The omission of item 1(g) leaves Council with a liability that could result in litigation should any negative interactions occur between playground users and dogs. With the deletion of Item 2(a) of the previously recommended resolution, the same situation occurs on playing fields when sporting or other sanctioned activities are taking place.

The resolution is required to protect playground users from negative effects of dogs in playgrounds and reduce Council's liability in respect to such issues. Playgrounds need to be prohibited to dogs and where play equipment is co-located in an exercise area the play equipment needs to be excluded from the exercise area; this may be accomplished by either a fence or prohibiting dogs within 10 metres of the equipment.

Fencing is not a complete alternative to the imposition of conditions or prohibited areas, as these areas (playgrounds) must still be declared prohibited to avoid conflict and reduce potential liabilities. However fencing may be used in addition to imposing conditions.

To assist in obtaining a wider opinion of exercise and prohibited areas, a mini survey was undertaken in Newman with a total of thirty two respondents answering the questionnaire, the main points are summarised below:

- One of the questions asked related to the removal of the most commonly used venue (Capricorn football oval) as an exercise area, whilst retaining the surrounding fields as such. It should be noted that twenty nine respondents concurred with the idea of prohibiting dogs on the Capricorn football oval. Two responses were against and one was a nil response.

- Twenty people had been negatively impacted by dogs at sporting fields with nine not being impacted. Most of these negative interactions were whilst the dog was off a lead.
- Most people believed that the Shire of East Pilbara was providing adequate exercise areas however there may be a need for an additional exercise area in East Newman.
- In addition to the outcomes of the survey there were several positive comments about the new dog agility area being a great initiative.

Whilst undertaking this review it was noted that the prescribed exercise area at Marble Bar (Lot 230 General Street) comprises a small part of the Anzac memorial park (Lot 229). Lot 230 is less than 250m<sup>2</sup> and is probably inadequate as an exercise area. If council resolves to apply the ten metre exclusion to play areas, then that will further reduce this exercise area to less than 100m<sup>2</sup> in size.

It may be appropriate to remove this exercise area altogether and declare it a prohibited area along with Lot 229 and a suitable alternative site be investigated.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

#### **LOCAL GOVERNMENT ACT 1995**

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

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

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

Section 31 - Control of dogs in certain public places.

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

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

### **POLICY IMPLICATIONS**

N/A

### **STRATEGIC COMMUNITY PLAN**

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

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

1.1 Efficient and effective local government

1.1.1 *Ethical, accountable and transparent decision-making*

*Responsible officer: DCEO*

*Timing: As appropriate*

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**Goal 2 – Social – Planned Actions**

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

2.1 Health and recreation

2.1.1 *Promote safe and healthy communities*

*Responsible officer: MCW*

*Timing: 1-3 years*

2.1.2 *Encourage active lifestyles*

*Responsible officer: MCW*

*Timing: 1-3 years*

2.1.3 *Encourage high rates of participation in community activities and events*

*Responsible officer: MCW*

*Timing: 1 year*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

If Council chooses to fence all children's equipment/apparatus that are located in or adjacent to dog exercise areas then additional funding will be required in next years budget.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

1. Declare the following areas dog prohibited areas:
  - a) a public building, unless permitted by a sign;
  - b) a theatre or picture gardens;
  - c) all food premises and food transport vehicles;
  - d) a public swimming pool;
  - e) a public toilet block or changing room; and
  - f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.
  - g) Lot 36 Wilara Street, Newman and Lot 33 Kurra Street, Newman (jointly known as Snake Park).
  - h) all children's playgrounds comprising an area set aside by a wall or fence as, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus;
  
2. Declare the following areas dog exercise areas subject to the specified exclusions:
  - a) Newman - Reserve 38372, Capricorn Oval, Thulluna Crescent
  - b) Newman - Lot 840 Boorthanna Crescent
  - c) Newman - Reserve 38512, Boomerang Oval, Newman Drive
  - d) Nullagine - Reserve 23348, 167 Cooke Street, Nullagine

**Exclusions:**

- i. an area set aside by a wall or fence around a children's play equipment or where there is no wall or fence as a children's playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus;
  - ii. an area within 10 metres of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use; or
  - iii. a car park, thoroughfare, access way or right of way. and;
  
3. To give notice of its intention to declare that the football oval at Capricorn Reserve is prohibited to dogs at all times.
  
4. To give notice of its intent to declare Lots 229 and 230 Marble Bar prohibited to dogs.
  
5. To investigate alternative sites in Marble Bar for use as a dog exercise area.
  
6. To investigate a potential dog exercise area in East Newman.
  
7. This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth) section 9(2)*.

### 9.3.4 NEW ROAD DEDICATIONS - NEWMAN TOWN CENTRE

**File Ref:** STR-4-2, A409747  
**Attachments:** [WAPC 146835 - Road Dedications.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Newman Town Centre  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

Council is required to request the Minister for Lands to dedicate portions of land within the town centre as Road Reserve to allow the progression of the subdivision pertinent to Stage 3 works.

#### BACKGROUND

On 18 December 2012 the Western Australian Planning Commission approved the subdivision of Lots 18 and 21 Newman Drive for the purposes of creating proposed Lots 1, 2 and 3 within the Newman Town Centre. The subdivision was required to allow for the extension of Lee Lane to connect with Newman Drive and to create a small area of road reserve to allow connection of the existing supermarket loading dock to Newman Drive.

As a result, the subdivision split existing Lot 18 into two (2) which are proposed to be developed by BHP Billiton (BHPB) for a Shopping Centre and accompanying parking. The application was a joint submission between BHPB and the State of Western Australia to allow for the advancement of the Newman Revitalisation Plan.

#### COMMENTS/OPTIONS/DISCUSSIONS

As a result of discussions between Landcorp, Department of Lands and the Shire's town planning sections, it is now a requirement for Council to seek the dedication of those areas on the approved plan of subdivision as road reserve for the extension of Lee Lane and access to the supermarket loading dock.

To allow the progression of the subdivision and approval of a diagram/plan of survey by Department of Lands it is requested that council request the Minister for Lands to dedicate such areas on the plan of subdivision as Road Reserve and to accept management orders accordingly.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

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## **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. Requests the Minister for Lands to dedicate that portion of land marked "B1" on the approved plan of subdivision forming part of the approved Western Australian Planning Commission application number 146835 as 'Road Reserve' for the purposes of extending Lee Lane;**
- 2. Requests the Minister for Lands to dedicate that portion of land marked "B2" on the approved plan of subdivision forming part of the approved Western Australian Planning Commission application number 146835 as 'Road Reserve' for the purposes of creating legal road frontage to the existing supermarket loading dock off Newman Drive;**
- 3. Advises the Minister for Lands that it accepts management orders over the Road Reserves created as part of 1 and 2 above.**

**9.3.5 REQUEST TO CREATE NEW RESERVE(S) AND ROAD WIDENING -  
NEWMAN TOWN CENTRE STAGE 3 WORKS**

**File Ref:** A417557  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Newman Town Centre  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for the excision of portions of Reserve 38771 in order to plan for the proposed Town Square as well as catering for the widening of Lee Lane.

**BACKGROUND**

Council at its meeting held on 22 August 2014 resolved to agree in principle to the development of a Town Square which would form part of the overall Newman Revitalisation Plan.

Given the above, it is now appropriate to start planning and setting aside the designated area so that in future there are no delays in getting access to the land required should the proposal progress to design and construction phases.

Council will also be familiar with the construction of the new road into the town centre (Stage 3) which allows for the creation of the new lots on either side of such new road (to accommodate the new proposed Shopping Centre and car parking). The road is ultimately an extension of existing Lee Lane road reserve which currently is not sufficient in width and is required to be widened.

**COMMENTS/OPTIONS/DISCUSSIONS**

The status of the land currently proposed as the site to develop the town square is currently a Reserve, being number 38771, which is vested with the Shire for the purposes of Parking. Accordingly, the portion proposed for the future town square will need to have its own reserve created therefore requiring the excision of such land from the previously mentioned Reserve, this will formally be dealt with after the plan for the Square is finalised by the working group.

As can be seen on the plan accompanying this report, Reserve 38771 is currently 8902m<sup>2</sup> in area and it is proposed to excise the following areas:

- 862m<sup>2</sup> for the widening of Lee Lane; and
- Up to 3361m<sup>2</sup> for the creation of a new Reserve for the Town Square.

In requesting the Minister for Lands to excise the required areas and create new Reserves, it is also necessary for council to relinquish the management orders of the existing Reserve and accept new management orders for the proposed areas. This would also include a new reserve that will be the remainder of the existing parking Reserve.

The proposed excisions are necessary to create on a plan/diagram of survey both Lee Lane and to ensure that the Shire has access to land in the future to be able to plan and construct the future town square. Accordingly, it is recommended that Council support the proposed excisions for the creation of new Reserve(s) and accept new management orders accordingly.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Land Administration Act 1997

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

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

##### *3.4.2 Plan well for the future development of the Shire*

*Responsible officer: CEO*

*Timing: 1-5 years*

*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*

###### 3.3.2 *Build connected and accessible towns*

*Responsible officer: DTDS*

*Timing: 1-5 years*

###### 3.3.3 *Provide infrastructure to support economic development*

*Responsible officer: DCEO*

*Timing: 1-5 years*

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

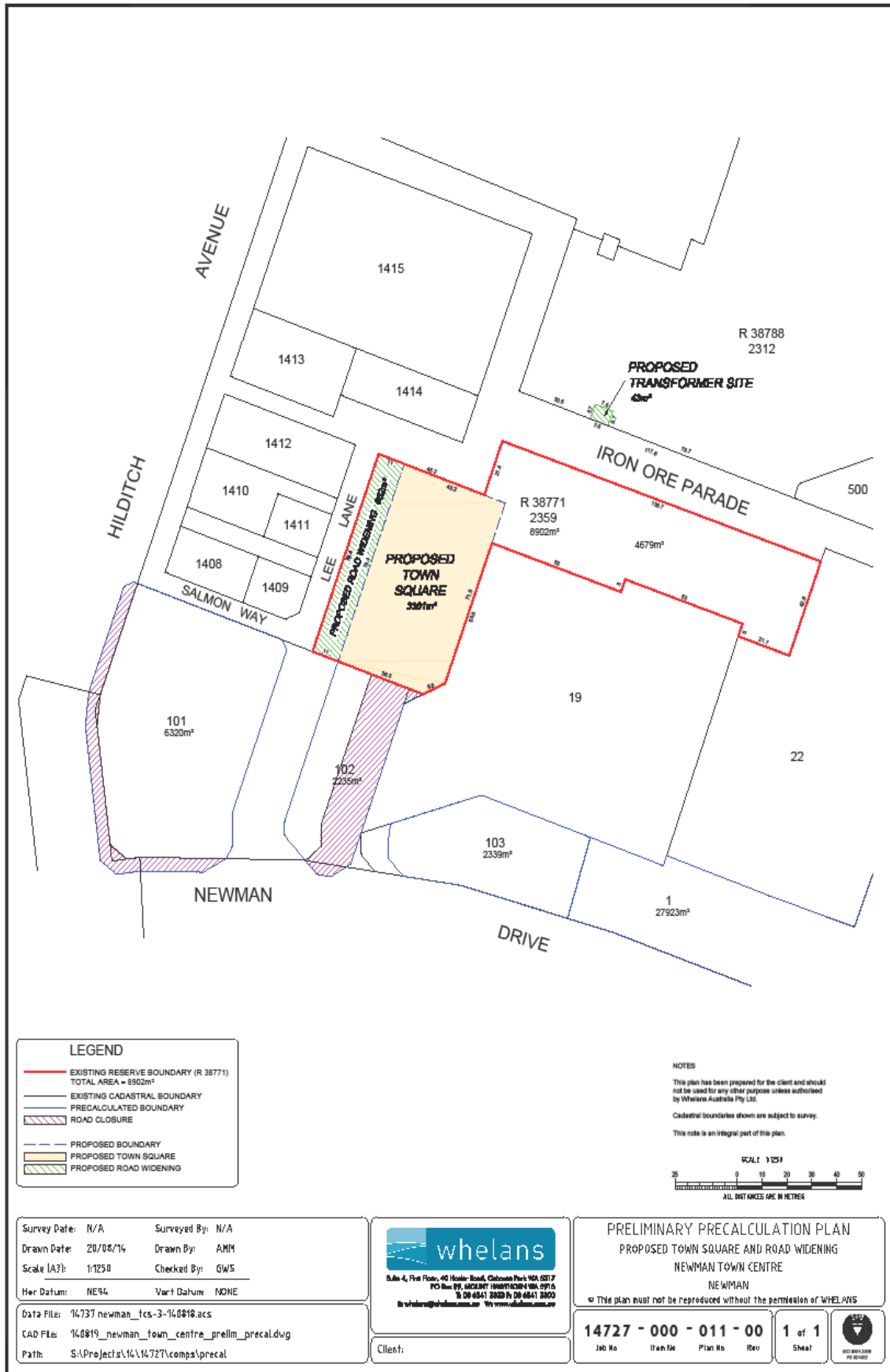
### **VOTING REQUIREMENTS**

Simple.

### **OFFICER'S RECOMMENDATION**

**THAT Council:**

- 1. Requests the Minister for Lands to excise an area of 862m<sup>2</sup> from Reserve 38771 being Lot 2359 on Plan 48197 and dedicate such area as Road Reserve for the purposes of widening Lee Lane and accept management orders for the Lee Lane Road Reserve;**
- 2. To achieve 1 above, Council relinquishes the management order(s) over existing Reserve 38771 to allow for the creation of the Road Reserves.**





- 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**  
24th October 2014, Newman
- 15 CLOSURE**