



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 29 APRIL, 2016.

Allen Cooper
CHIEF EXECUTIVE OFFICER



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
John Jakobson
Shane Carter
Craig Hoyer
Jay Ahmedi
Biddy Schill
Dean Hatwell
Michael Kitchin

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton

Chief Executive Officer
Deputy Chief Executive Officer

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Gerry Parsons
Anita Grace

Officer Apologies

Mr Rick Miller

Mrs Sheryl Pobrica

Director Technical and Development
Services
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 March 11 2016 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 11 March 2016, be confirmed as a true and correct record of proceedings.

7.2 PILBARA REGIONAL COUNCIL MINUTES 18 MARCH 2016

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Pilbara Regional Council Meeting held on 18th March 2016, be accepted.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MARCH 2016

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

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" – Chief Executive Officer for March 2016 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 December 2015	9.1.4	2016 QUEEN'S BIRTHDAY HOLIDAY REQUEST FOR ALTERNATIVE DATE	CEO	Letter has been sent to the Department of Commerce waiting for approval by the Governor General. Received confirmation 12/04/2016 advertised in the Northwest Telegraph 20/04/2016, Notice Boards & Website	Completed
29 January 2016	9.1.2	WA LOCAL GOVERNMENT ASSOCIATION (WALGA) TRADE EXHIBITION AND CONVENTION 2016	CEO	Accommodation Booked	In Progress

**9.1.2 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
COMMUNITY SAFETY**

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

REPORT PURPOSE

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

BACKGROUND

Council recently employed Mr Clint Swadling, Manager Community Safety, for a three year term expiring on 10th April 2019.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

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 the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Clint Swadling, Manager Community Safety, for a term of three years, expiring on 10th April 2019.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- MARCH 2016**

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

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

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(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 March 2016 be received.

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

29 APRIL, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 October 2014	13.1	SPORTING COMPLEX MARBLE BAR FIVE YEAR PLAN Cr Dean Hatwell asked if the electrical works can be included in the five year plan for the sporting complex. Ms Sian Appleton, Deputy Chief Executive Officer answered yes this will be included in the five year plan as appropriate.	CDS-Rural	CDS-Rural undertaking – after survey completed to identify priorities	March 2016
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire December 2015, and staff will be discussing the agreement with the Department of Education.	DCEO	With State Solicitors	December 2015
6 March 2015	13.9	NULLAGINE GYM Cr Biddy Schill asked if there was an alternative to the pub holding the key to the gym as people cannot use the gym while pub is closed and also people are using the gym without paying. Ms Sian Appleton said they are looking into this with different options eg: CRC Nullagine holding the key and taking payments for the use of the gym.	DCEO	Keys are available from the shop once member has signed up. .	
11 December 2015	12.12	MARBLE BAR AQUATIC CENTRE CCTV Cr Michael Kitchen asked if the Marble Bar Aquatic Centre could get CCTV especially for the toddler's pool, so when the staff member is serving at the kiosk they can still easily monitor the area. Deputy Chief Executive Officer to follow up	DCEO	Currently requesting progress	In Progress
11 March 2016	13.10	RSL PARK MARBLE BAR Cr Dean Hatwell asked about what was happening regarding the extending of the RSL Park, modification of increasing the area. Deputy Chief Executive Officer to follow up.	DCEO	Up Date in the 29 April 2016 Agenda	

9.2.2 MARBLE BAR SURVEY AND SHIRE WORKS REPORT

Attachments:	<u>Attachement 1 Marble Bar Progress Association Letter for the Agenda 310815-1.docx</u> <u>Attachment 2 OCR15 19397 Marble Bar Progress Association.pdf</u> <u>Attachment 3 MARBLE BAR SURVEY 2015 FINAL.pdf</u> <u>Attachment 4.pdf</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Pip Parsonson Manager Community Wellbeing
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To report to Council on the results of a survey recently conducted in Marble Bar on residents' opinions relating to Shire operated amenities and to provide recommendations on priorities relating to the amenities.

BACKGROUND

Over the past 12 months the Shire has been fielding enquiries and discussing and dealing with a range of issues and opinions relating to amenities in Marble Bar.

Correspondence was received from the Marble Bar Progress Association dated 31/08/2015 seeking information from the Shire on a wide range of issues, (See Attachment 1). On 7/10/16 Shire CEO, Mr Allen Cooper responded to the Marble Bar Progress Association's correspondence, (Attachment 2). In his response, Mr Cooper informed the Association that "...a survey will be conducted to seek resident's priorities."

In December 2015 the Shire commenced a survey in Marble Bar to ascertain the opinions of Marble Bar residents on a range of amenities operated by and activities supported by the Shire, (See Attachment 3 - Marble Bar Survey).

COMMENTS/OPTIONS/DISCUSSIONS

The response to the survey was very poor with only five completed surveys returned. Accordingly no confidence can be assumed that the surveys represent the views of a significant proportion of people living in Marble Bar.

The response is disappointing as the Coordinator, Community Development – Rural reported that the surveys were dropped in residents' mail boxes, distributed through the monthly 'Mirage' Newsletter, copies of the survey were left for residents to collect at the local mini-mart and residents were personally encouraged to complete the survey by the Coordinator, Community Development – Rural.

Only a limited amount of information can be extracted from the five completed surveys as most were not completed correctly. For example, respondents were asked to prioritise amenities/services. This was only done correctly in 2 of the surveys. Accordingly an accurate understanding of the respondents' opinions could not be ascertained.

The Shire controlled amenities identified in the survey, (which are consistent with the matters raised in the Marble Bar Progress Association's correspondence), are,

1. Improving the exercise track including installation of new equipment;
2. Improving the gymnasium;
3. Shade and seating at the skate park;
4. Tourism facilities;
5. Improvements to the Rec Shed;
6. Improvements to RSL Park;
7. Installation of playground equipment near the skate park
8. Improvements to the sporting complex, and

An option was also provided for respondents to add their own suggestions.

Of the two surveys completed correctly, one ranked improvements to RSL Park as the 1st priority with the comment, "Extend open space, more shade to play equipment, new play equipment, close fence off, new baby swing". The other survey ranked RSL Park 8th with the comment, "Play equipment like Shay Gap Park and memorial for Aboriginal soldiers". 2nd priorities for both respondents were improvements to the Rec Shed. 3rd priority for one respondent was lighting of the courts and the other, children's play equipment at the skate park.

Of the three incorrectly completed surveys, two were almost identical listing all 8 identified amenities as 1st priorities. For RSL Park both consider more shade and seating as a priority. Both also want more shade and seating at the skate Park, the Rec Officer (now Community Development Officer) position filled ASAP, new equipment at the gym and the football oval at the Sporting Complex maintained.

The final survey did not rank RSL Park at all. That respondent's 1st priority was tourism facilities but without comment, 2nd priority, repairing the flying fox near Comet and 3rd priority lights at the tennis courts.

In summary, taking into account the correspondence from the Marble Bar Progress Association, the survey results and the Shire's recent and planned works program, the following understanding of priorities of the Marble Bar community is that,

1. There is no supporting evidence for the installation of an exercise track in Marble Bar.
2. Improvements should continue to be made to the Marble Bar gymnasium
3. Consideration is given to the installation of seating, lighting and shade at the skate park.
4. Tourism development through the provision of amenities is indicated as a low priority.

5. Consideration is given to the on-going maintenance and modifications of the Rec Shed to suit community need and expectations.
6. Consideration is given to the investigation and design for a proposed extension of RSL Park along with improved shade provision and playground equipment.
7. Children's play equipment installed near the skate park is indicated as a low priority
8. Improvements to the Marble Bar Sporting Complex only rate with respect of the maintenance of the oval and is therefore deemed a low priority.

The Shire is already undertaking or about to undertake a number of capital improvements this financial year that relate to some of these priorities. This includes,

- The installation of exercise equipment at the gymnasium along with monthly visits by the Newman based Shire Fitness Attendant who is accredited to inspect fitness equipment and undertake individual fitness appraisals.
- Capital works at the Rec Shed that includes the installation of double doors facing the basketball/tennis courts, a portico at the front entrance and internal fencing to demarcate user groups and landscaping to suit the changes. (See attachment 4)
- Capital works at the skate park that includes the installation of lighting and landscaping
- The installation of lighting at the tennis/basketball courts.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

3.3 BUDGET PREPARATION

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.

2.4 Diverse and inclusive communities

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

1. Supports the consideration in the 2016/17 budget, provision for the installation of seating and shade at the Marble Bar Skate Park.
2. Supports the consideration in the 2016/17 budget, provision for on-going modifications of the Marble Bar Rec Shed to suit current and future community needs.
3. Supports the consideration in the 2016/17 budget, provision for the investigation and design for a proposed extension to Marble Bar RSL Park along with improved shade provision and playground equipment.

9.2.3 NULLAGINE COMMUNITY RESOURCE CENTRE

Attachments:	Nullagine CRC Building
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Ben Lewis Manager Assets and Procurement
Location/Address:	Nullagine Community Resource Centre Building
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to take ownership of the current Nullagine Community Resource Centre building from the Department of Regional Development.

BACKGROUND

Recently the Department of Regional Development contacted shire staff regarding the ownership of the Nullagine CRC building and advising that the DRD have moved away from their original business model and as such this is the last location where they currently own and occupy the facility within the town they are providing services in.

Council, at the ordinary meeting on 23 September 1999, resolved the following:

- I. Permit and assist in power connection to the location of the Telecentre adjacent to or adjoining the Shire Library in Nullagine, and*
- II. Council underwrite the operations of the Telecentre to a maximum of \$5000, and*
- III. Council becomes the sponsor for the Telecentre until the local committee becomes incorporated, subject to sufficient indications in the agreement that there will be no greater financial burden placed on Council other the agreed underwritten amount as in part (ii), and*
- IV. The Shire common seal be affixed to the funding agreement with the Department of Commerce and Trade provided that (i) funds are sufficient to meet all costs, except as in (iii), and (ii) the local committee becomes incorporated within 12 months of the signing of the agreement.*

COMMENTS/OPTIONS/DISCUSSIONS

At the time Council resolved to enter into a funding agreement, however, no formal lease over the land was ever entered into.

As the building is located on reserve vested to Council, any built structures would automatically revert to council should the organisation stop operating, so to this end it

would make sense for Council to accept the existing facility and then enter into a lease agreement with the Nullagine CRC to use the facility.

STATUTORY IMPLICATIONS/REQUIREMENTS

Any transfer of ownership of the building and lease arrangement to operate within that building will be subject to the requirements of the Local Government Act.

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.

3.3 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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Agree to accept taking ownership of the Community Resource Centre building subject to formal written request from the Department of Regional Development, and;**
- 2. Formalise a lease agreement between the Nullagine Community Resource Centre and the Shire of East Pilbara for use of the building.**

**9.2.4 MARTU CHRISTIAN FELLOWSHIP INC - LOT 300 COWRA STREET
NEWMAN - OPTION TERM**

Attachments: [Martu Christian Fellowship - Building.msg](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: Martu Christian Fellowship Inc
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the lease option for the Martu Christian Fellowship Incorporation which expires 5th May 2016.

BACKGROUND

The existing lease is due to expire on 5th May 2016 and has an option to renew for 10 years.

An inspection of the property was undertaken by Council's Regulatory Services staff where it was confirmed that there was a number of areas on non-compliance in relation to unapproved structures which not only is a breach under the Building Act, but also a breach under the lease agreement conditions.

The Shire of East Pilbara has had several meetings with the Martu Christian Fellowship Inc to rectify breaches under the current lease.

These breaches included at the time:

Pergola/Patio:

- *This has been constructed without Planning Approval and without a Building Permit. I refer you to previous correspondence (attached) outlining this issue.*
- *To rectify this you will need to lodge an application for retrospective planning approval; and*
- *Engage a suitably qualified Building practitioner to certify the structure and seek a Building Approval Certificate from the Shire.*

Transportable Building:

- *This building, which is in two halves, has been sited on the property without any consent being granted from the Shire;*
- *An application for planning approval will need to be lodged in the first instance – you have previously attempted to submit this but as there was no authority from the members (refer to below) we are unable to accept it (refer also to attached emails);*
- *Following the Planning application and if so approved, an application for a Certified Building Permit application will need to be submitted with the required information being provided from a suitably qualified building practitioner capable of making an application.*

PRIOR TO LODGING THE ABOVE MENTIONED APPLICATIONS:

Prior to making any application to the Shire for any part of the above, the appropriate actions, in line with the Martu Christian Fellowship Inc. constitution, need to have taken place. That is:

A meeting having been held and minuted with the required quorum and a clear motion being voted and accepted by registered members in line with the specifics of the Constitution.

Lease:

- *With regards to the term of the lease, I refer you to the attached emails responding to previous correspondence which points out that renewal is not automatic or a right, it is a privilege afforded pursuant to the current lease subject to the Lessee having complied with and not breaching the current lease. Refer to Clause 3.2 of the current lease.*
- *As highlighted in the meeting, the Shire is not interested in withholding renewals for community organisations contributing to the community. However, the Shire does expect that Lessee do not abuse the system by breaching any part of any lease.*
- *Accordingly, in all future circumstances it would be appreciated that contact is made with the Shire to confirm what approvals are required for any proposed activities occurring on the subject premises.*
- *With regards to seeking a renewal, a written request can be made and lodged seeking to enact the option for renewal which the Shire will consider and refer to Council for determination pursuant to and in line with the timeframes stated in Clause 3.2.*

The Martu Christian Fellowship Inc has formally requested to enter into the option term of the current lease agreement. The Martu Christian Fellowship Inc have been advised at several meetings that the option term would not be approved until all retrospective approvals and been approved by Development Services

COMMENTS/OPTIONS/DISCUSSION

At the time of writing this report, the following update can be advised:

- A Building Approval Certificate was issued for the Pegola/Patio on the 24th February 2016.
- Planning Approval issued for the Transportable Building issued on the 22nd July 2015.

Shire staff have provided the Martu Christian Fellowship with information from all departments to assist in implementing the correct applications and procedures required to lease Reserve land from the Shire of East Pilbara. They also had been advised if they need further information, to contact the appropriate department for assistance in an attempt to ensure a smooth transition from main lease to the option term.

As the termination date of the existing lease is approaching, the Martu Christian Fellowship has the following options available in order to exercise the lease option:

1. Apply and obtain the retrospective approval for all non-approved structures currently onsite, or
2. Dispose of the non-approved structures from the site.

Should this not be completed, the Martu Christian Fellowship Inc will be in breach of the lease conditions and should cease to operate at the site until rectified.

STATUTORY IMPLICATIONS/REQUIREMENTS

Compliance with the Building Act 2011 and the Land Administration Act 1997.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

Goal 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

- 2.3.1 Develop and implement community pride projects
Responsible officer: MCW
Timing: 1 year

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

Goal 4 – Environmental – Planned Actions

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

- 4.2 Promote a sustainable environment

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council,

1. Approve entering into the lease term option of ten (10) years with the Martu Christian Fellowship Incorporation subject to the following conditions:
 - a) That the Martu Christian Fellowship Incorporation apply and obtain retrospective approvals for all non-approved structures currently onsite, or
 - b) Dispose of the non-approved structures from the site by the 31st October 2016.

9.2.5 ADOPTION OF PROPOSED FEES AND CHARGES 2016/17

File Ref: FIN 12-1
Attachments: [Fees and Charges 2016-17 Working Sheet.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Candice Porro
Expenditure Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the proposed fees and charges to apply for the budget year 2016/17 as per copy attached.

BACKGROUND

Section 6.16 of the Local Government Act, 1995, enables Council to charge for any service that it provides. The schedule, as tabled, of proposed fees and charges is submitted for in-principle adoption only at this stage and will assist in the preparation of the 2016/17 budget. Formal adoption of next year's fees and charges will be included as part of the budget adoption process.

COMMENTS/OPTIONS/DISCUSSIONS

The Schedule of Fees and Charges is under a separate cover.
The Schedule is in two sections as follows;

1. Rates and Sanitation Fees and Charges, which will be advised for the budget adoption meeting.
2. Proposed Fees and Charges for adoption with the annual budget.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

To be advised in the 2016/17 budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council;

- 1. Approve the proposed Schedule of Fees and Charges;**
- 2. Include fees and charges in Council's 2016/17 budget.**

9.2.6 PUBLIC NOTICE OF DIFFERENTIAL RATING

File Ref: FIN-22-1
Attachments: [Objects and Reasons 2016 17](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Andries Gertenbach
Manager Corporate Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the continued implementation of our current differential rating categories and to authorise the giving of public notice of its intention to impose differential rate categories with the adoption of the 2016/2017 budget.

BACKGROUND

Council has adopted a process of differential rating since the 2006/2007 budget. Part of the process is that the intention to differentially rate must be advertised by public notice. In order to again consider differential rates for the 2016/2017 budget advertising must be undertaken.

The current rating categories are as follows:

Imposing a 2% increase in the rate in the dollar for GRV Industrial and then setting all other GRV rates at double that to ensure that Ministerial approval is not required. This results in the Nullagine Town Centre and Transient Workforce categories rate in the dollar reducing significantly.

Increasing all GRV minimums by 2% except for the Nullagine Town Centre which is brought up to the same minimum as all other GRV's.

Increasing the rate in the dollar by 2% for all UV categories which will still require Ministerial approval.

The estimated reduction in the overall rates revenue as a result of the above strategy is \$854,000.

Category	2015-16 Rate in Dollar	2016-17 Rate in Dollar Proposed	2015-16 Minimum	2016-17 Minimum
Gross Rental Value – Industrial	1.6250	1.6575	\$650	\$663
Gross Rental Value – Town Centre	4.5950	3.3150	\$650	\$663
Gross Rental Value – Nullagine Townsite	9.5000	3.3150	\$400	\$663
Gross Rental Value – Transient Workforce	7.0000	3.3150	\$650	\$663
Gross Rental Value – Other	3.2340	3.3150	\$650	\$663
Unimproved Value – Pastoral/Special Leases	6.0420	6.1628	\$200	\$230
Unimproved Value – AML Leases	18.1405	18.5033	\$200	\$300
Unimproved Value – Mining Leases	18.1405	18.5033	\$200	\$300
Unimproved Value – General Leases	18.1405	18.5033	\$200	\$300
Unimproved Value – Petroleum Leases	18.1405	18.5033	\$200	\$300
Unimproved Value – Exploration Leases	18.1405	18.5033	\$200	\$300
Unimproved Value – Prospecting Leases	18.1405	18.5033	\$200	\$300

The above rating strategy therefore does not require Ministerial approval for the differential rating on GRV's but only on UV's and has been proposed to comply with the Department of Local Government Policy on Differential Rating and Ministerial approvals.

Differential rating allows Local Governments to categorise properties according to certain characteristics. The concept provides flexibility to impose higher or lower rates on properties within the same valuation area, based on the provision of a particular services or range of services, or to overcome the large range of property valuations.

Section 6.33 provides that a local government may impose differential general rates according to any, or a combination, of the following characteristics -

- (a) the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 2005;
- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land;
- (d) any other characteristic or combination of characteristics prescribed.

COMMENTS/OPTIONS/DISCUSSIONS

Whether Council does, or does not, proceed with differential rating for the 2016/2017 budget the authorisation to advertise (the possibility) needs to be given now so that statutory time frames can be met in order for the budget to be adopted as scheduled. Under the Local Government Act, 21 days' notice must be given for public submissions to be received by Council before adopting differentials.

Differential rates may be imposed on properties in a council district according to any, or a combination, of the following characteristics:

- . The zoning of the land under Council's Town Planning Scheme
- . The predominant purpose for which the land is used as determined by Council
- . Whether or not the land is vacant, or
- . Any other characteristic or combination of characteristics prescribed.

Given that the budget process is in the early stages at the time of this agenda preparation it is not possible to give detailed financial scenarios based on the characteristics mentioned above.

Statutory Implications/Requirements

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;
 - or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

Section 6.36. - Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) –

- (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
 - (b) is to contain –
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
- And
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
 - (5) Where a local government –
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),It is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.2 Continued strong financial management
- Responsible officer: DCEO
Timing: 1 year

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Support in principle the following differential rates, subject to the finalisation of the 2016/2017 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:

Rate in \$ Minimum

Gross Rental Value – Industrial	1.6575	\$663
Gross Rental Value – Town Centre	3.3150	\$663
Gross Rental Value – Nullagine Townsite	3.3150	\$663
Gross Rental Value – Transient Workforce Accommodation	3.3150	\$663
Gross Rental Value – Other	3.3150	\$663
Unimproved Value – Pastoral/Special Leases	6.1628	\$230
Unimproved Value – AML Leases	18.5033	\$300
Unimproved Value – Mining Leases	18.5033	\$300
Unimproved Value – General Leases	18.5033	\$300
Unimproved Value – Petroleum Leases	18.5033	\$300
Unimproved Value – Exploration Leases	18.5033	\$300
Unimproved Value – Prospecting Leases	18.5033	\$300

2. Give local public notice of its intention to implement differential rating in 2016/2017.
3. Apply to the Minister for Local Government for approval to impose differential rates that exceed the statutory two times limit in the UV category for the 2016/2017 financial year.

9.2.7 MONTHLY FINANCIAL STATEMENTS - FEBRUARY 2016

Attachments:	February 2016 Financial Report.pdf February 2016 Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 13-page report details the financial activities of the Council for the period 1 February 2016 to 29 February 2016 of the 2015/2016 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 –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 February 2016 to 29 February 2016 of the 2015/2016 financial year as presented be received.

9.2.8 MONTHLY FINANCIAL STATEMENTS - MARCH 2016

Attachments:	March 2016 Financial Report.pdf March 2016 Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 13-page report details the financial activities of the Council for the period 1 March 2016 to 31 March 2016 of the 2015/2016 financial year –

There are 4 sections of the monthly report:

5. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
6. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
7. A schedule detailing all expenditure for the year to date for individual capital items.
8. 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 –

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

Local Government (Financial Management) Regulations 1996

Part 4 Financial reports

Reg 34(1) -

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 March 2016 to 31 March 2016 of the 2015/2016 financial year as presented be received.

9.2.9 CREDITORS FOR PAYMENT

File Ref: FIN10-2

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Jeanette Bessell
Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

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 11th March 2016.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	#32227 - #32961	\$5,232,845.74
	Total	\$5,232,845.74
Cheque Payments	#23973 - #24018	\$131,603.91
Manual Cheque Payments	#261 - #263	\$28,476.38
	Total	\$160,080.29
	GRAND TOTAL	<u>\$5,392,926.03</u>

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

Chq # 23980, #23981 and #23987

CANCELLED CHEQUES & EFTS

Chq #262, #23985 and #23988

EFT# 32368 and #32618

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 \$5,392,926.03

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	#32227 - #32961	\$5,232,845.74
	Total	\$5,232,845.74
Cheque Payments	#23973 - #24018	\$131,603.91
Manual Cheque Payments	#261 - #263	\$28,476.38
	Total	\$160,080.29
	GRAND TOTAL	<u>\$5,392,926.03</u>

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - MARCH 2016

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

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" – Director Technical and Development Services for March 2016 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
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.	MDS-P	Inspection conducted 29.03.2016 preparing consultants brief and grant application. Flora & Fauna surveys to be organised. Progress information with more detail will now be reported in the info bulletin	In Progress
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – newman Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	MDS-P	Application for access point onto Great Northern Highway lodged to MRWA – awaiting on response. Flora & Fauna surveys to be organised. Progress information with more detail will now be reported in the info bulletin	In Progress
28 August 2015	3.7	ADSL MARBLE BAR Cr Stephen Kiernan asked again for the Shire to follow up on the possibility of having ADSL installed in Marble Bar. Mr Allen Cooper, Chief Executive Officer explained the situation on ADSL and requests to the Pilbara Development Commission to investigate	MDS-P	To Discuss options with PDC request for information to PDC sent again 08/09/2015 Will investigate NBN options/timing as well discuss with Telstra and PDC	On Going
28 August 2015	13.8	CARAWINE GORGE Cr Lang Coppin asked if the Shire of East Pilbara could investigate the possibility of Carawine Gorge becoming an A Class Reserve. Mr Allen Cooper, Chief Executive Officer to follow up.	MDS-P	Station owner contacted and happy to discuss options. Site meeting to occur in May/June 2016	June 2016
23 October 2015	14.3	DUST MONITORING NEWMAN Cr Craig Hoyer asked is there difference in licence for dust monitoring in Newman from Port Hedland as lately the dust levels in Newman have raised. Mr Allen Cooper, replied letters have been written to the Department of Environmental	MDS-H	Discussions ongoing with relevant department MDS-H meeting with BHP Billiton over the location of the dust monitor	June 2016

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

29 APRIL, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		regarding the dust levels and increase in new mine site around the township, still waiting for a reply. Mr Allen Cooper, Chief Executive Officer to follow up.			
11 December 2015	9.3.2	CONTROLLED PARKING - RESIDENT CONCESSION CARDS	COOA	Documentation being prepared and rollout plan being developed	May 2016
11 December 2015	12.8	CARAVAN & TRUCK PARKING NEWMAN Cr Jay Ahmedi, commented on the space next to the Boomerang Oval being a good place for trucks and travellers with caravans to park. Mr Rick Miller, commented that this is an area is currently under investigation.	DTDS	Lee Lane 15min signage installed & parking signs for caravans & trucks to be bought. Total town centre street signage to be reviewed	May 2016
11 March 2016	13.1	PARKING SIGNS FOR CARPARK NEXT TO POST OFFICE NEWMAN Cr Jay Ahmedi asked if parking signs could be put up at the carpark next to the Post Office to indicate limited time parking.	DTDS	Sometime limiting signage will be purchased and installed. Will not have regulatory affect until a parking scheme is adopted by Council	May 2016
11 March 2016	13.2	WA MAIN ROADS Cr Michael Kitchin to provide the location for his question he asked at the 29 January 2016 Council meeting as below so a letter can be sent to WA Main Roads. <i>13.1 MAIN ROADS WA – ROAD WORKS</i> <i>Cr Michael Kitchin asked if Shire could contact Main Roads as there is alot of leftover blue metal on road works which is causing cracked window screens due to being flicked up by vehicles passing.</i> Director Technical and Development Services to follow up with WA Main Roads	DTDS	Further information required as to specific locations. Cr Kitchin advised he will forward locations to Shire officers who can then pass to MRWA	Pending
11 March 2016	13.4	SECURITY AIRPORT Cr Gerry Parsons asked if Council can allocate space at Newman Airport for personnel being dropped off or picked up especially if disabled or due to medical reasons. Director Technical and Development Services to follow	COOA	Security staff were spoken to and requested where possible to assist patrons with limited mobility. Aviation Security standards prevent disabled bays in front of terminal. Disabled bays are provided close by in Car Park and patrons are recommend to use these. The Shire has a Newman Airport Disability Access Plan developed to assist patrons journey through the airport and this is now available on the website.	Completed

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

29 APRIL, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
11 March 2016	13.8	COUNCILLORS WESTERN DESERT TOUR Cr John Jakobson asked when the Councillors Western Desert Tour will be happening as at the same time the Councillors can have a look at the signs for the desert tourist trail. CEO & Director Technical and Development Services to follow up.	CEO & DTDS	Desert Road inspections had been organised and completed. Council to confirm interest first, as there is a reasonable cost and logistics to organise as it is a roughly 3,000km round trip and takes 4 days.	Officers will await Council Directions
11 March 2016	13.9	NEWMAN TOWN CENTRE Cr John Jakobson asked if there were any maps for where the signs will be erected around the Town Centre as many tourists are confused on e.g.: parking for caravans and entry. Director Technical & Development Services to follow up.	DTDS	Please read response to item 11/12/2015 12.8 as below CARAVAN & TRUCK PARKING NEWMAN <i>Cr Jay Ahmed,</i> <i>commented on the space next to the Boomerang Oval being a good place for trucks and travellers with caravans to park.</i> <i>Mr Rick Miller,</i> <i>commented that this is an area that is currently under investigation.</i>	May 2016

**9.3.2 RELINQUISHMENT OF MANAGEMENT ORDER OVER RESERVE 38510,
LOT 500 STOJIC ROAD, NEWMAN**

File Ref: A702281
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Location/Address: Lot 500 Stojic Road, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider relinquishment of Recreation Reserve 38510, Lot 500 Stojic Road, Newman as part of the Newman Land De-constraint Project.

BACKGROUND

The Pilbara Regional Council has been progressing the de-constraining of Lot 500 Stojic Road, Newman to allow it to be purchased as a freehold title by the Shire. The project is nearing completion with site works having commenced in early April.



To allow for the sale to proceed, Council is requested to formally relinquish Reserve 38510, which is vested in it for the purposes of recreation with a power to lease of up to 21 years.

The land was originally part of the tennis courts, which have since been relocated. The 1,153m² parcel is zoned Town Centre and has been identified as suitable for a medical-related purpose. However, the impending non-conditional transfer of the land to the Shire as a freehold title will allow Council to consider a range of future development options.

COMMENTS/OPTIONS/DISCUSSIONS

Council is requested to formally agree to revocation of the management order and cancellation of the reserve, and authorise the Chief Executive Officer to complete a statutory declaration advising that there are currently no registerable interests on Lot 500 (i.e. leases to third parties or caveats).

Once the Shire relinquishes the management order and requests the reserve be cancelled, the Minister for Lands may then by order formally cancel the reserve. This will then allow it to be converted into freehold land as planned.

Funding for the land de-constraining process and the purchase by the Shire is externally sourced with no net effect on the Shire's budget.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 50(1) of the Land Administration Act 1997 (the Act) allows the Minister for Lands to cancel a management order upon request from the management body responsible for the reserve.

Section 51 of the Act allows the Minister for Lands to cancel a reserve.

Section 75 of the Act allows the Minister for Lands to transfer Crown land in fee simple (i.e. freehold) to any party and subject to any conditions regarding the use of the land the Minister see fit. In this case, the land will be purchased by the Shire and transferred without conditions relating to the use of the land.

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.

3.1 Business diversification and promotion

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Advises the Minister for Lands that it agrees to the management order over Reserve 38510, Lot 500 Stojic Road, Newman being revoked in accordance with section 50(1) of the *Land Administration Act 1997* for the purposes of allowing the reserve to be cancelled and subsequently sold in fee simple to the Shire of East Pilbara under section 75 of the Act; and
2. Authorises the Chief Executive Officer to sign a statutory declaration to the effect that there are no registrable interests over Lot 500 Stojic Road, Newman.

9.3.3 PREPARATION OF DRAFT LOCAL PLANNING STRATEGY

File Ref:	PLN-3-1-3
Attachments:	Confidential attachment under separate cover (Draft Local Planning Strategy)
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Roy Winslow Manager Development Services - Planning
Location/Address:	Whole of Shire of East Pilbara
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider requesting Western Australian Planning Commission (WAPC) certification of the revised draft of Shire of East Pilbara Local Planning Strategy (the Strategy) under Regulations 11 and 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

BACKGROUND

At its Ordinary Meeting held on 24 April 2015, Council considered the original draft of the Strategy and resolved as follows (Resolution 201415/213):

THAT Council pursuant to Regulation 12A of the Town Planning Regulations 1967 (as amended) forward the Draft Shire of East Pilbara Local Planning Strategy to the Commission and request Ministerial endorsement of such Draft Local Planning Strategy for the purposes of public advertisement.

The Strategy was duly forwarded to the Department of Planning (DoP) in early May 2015. On 26 October 2015, the Shire was informed by the DoP that the WAPC was not prepared to endorse the Strategy for advertising purposes in the form in which it was adopted by Council. It required additional information to be incorporated into the document in relation to the background economic information, population projections and aboriginal settlements. The DoP also required additional information to be placed into the Newman Townsite Map to better illustrate the areas where growth will be directed.

The consultants involved in preparing the initial draft were engaged to undertake the necessary modifications to the Strategy in late November 2015. The revision has taken the following forms:

- Modification to the main strategy document (identified as Part 1) to address a number of queries and corrections provided by the DoP; and
- Preparation of an Addendum to Part 2 of the Strategy. Part 2 is the supporting documentation that is used to formulate the various strategies outlined in Part 1. Rather than revise Part 2, which would have been time consuming, the

Shire and DoP agreed that an addendum document would suffice. The Addendum includes analysis of the Pilbara Regional Investment Blueprint that was released by the Pilbara Development Commission after Council had endorsed the first version of the Strategy. Relevant extracts of the Blueprint are reproduced in the Addendum. It also includes additional information on the planning surrounding the various aboriginal settlements that is being undertaken by the DoP.

As the revisions that have been undertaken have altered the document, it is prudent that Council re-accept the draft Strategy under Regulation 11(1) of the Regulations.

The draft Strategy has been provided to Councillors as a confidential attachment given it is yet to receive WAPC certification in order for it to be released to the public realm.

COMMENTS/OPTIONS/DISCUSSIONS

Intent of Modifications

The modifications that have been made to the Strategy are intended to provide greater clarity on the future growth and development of the Shire, with a particular focus on identifying long-term growth areas for Newman. Significant inclusions in the strategic growth planning for Newman are:

- Clear identification of the most likely alignment for the planned southern access road, which will provide a direct link between the Great Northern Highway and the industrial area and Mt Whaleback mine;
- Creation of a Newman Townsite Landuse allocation map that clearly identifies the long term growth areas for urban (residential, tourism and commercial) and industrial zones; and
- Confirmation that the area to the west and north of the existing urban footprint will not be developed for new sensitive land uses, such as residential development, given the need to ensure against land use conflict with existing and potential mining activities.

Strategic Direction

The original strategic direction of the Shire's population growth being focused on Newman with no significant growth in other settlements remains. Additional information on the capacity of a number of aboriginal settlements to accommodate growth has been included in the supporting documentation. Whilst located within the Shire, the planning of aboriginal settlements is undertaken by the DoP, with Community Layout Plans prepared that provide guidance on the location of housing and support infrastructure within each community. The Strategy now references the community layout planning process.

Impact of Pilbara Regional Investment Blueprint

When reviewing the content of the Pilbara Blueprint document, the consultants identified that the two documents were largely complimentary. Therefore, there was no need for substantial change to the strategic actions proposed by the draft Strategy. Two additional actions were included in the Economic Diversification to reflect Blueprint recommendations relating to digital business growth and investigating the viability of aquaculture, algae biofuels and co-products within the Shire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Since Council first endorsed the draft Strategy in April 2015, the regulations relating to the making of local planning strategies has changed. On 19 October 2015 the current Regulations came into force. Part 3 of the new Regulations outlines the process to be taken for preparing, advertising and adopting local planning strategies. The process is summarised as follows:

1. The local government prepares the strategy under Regulation 11(1). Whilst the document has been prepared by consultants beforehand, it is recommended Council resolves to 'prepare' the document prior to seeking WAPC certification to ensure the document is satisfactory to Council;
2. The WAPC then certifies the strategy as compliant with Regulation 11(2) under Regulation 12. Regulation 11(2) requires a local planning strategy to:
 - a. Set out the long-term planning directions for the local government;
 - b. Apply any State or regional planning policy that is relevant to the strategy; and
 - c. Provide the rationale for any zoning or classification of land under the local planning scheme;
3. The local government then advertises the strategy under Regulation 13. Whilst the advertising period must be a minimum of 21 days, officers will recommend an advertising period of 60 days to allow for sufficient time for the community and stakeholders to provide input. During the advertising period, it is proposed to undertake a series of consultation exercises, the number and format of which will be subject to further Council consideration prior to advertising commencing;
4. After advertising closes, Regulation 14 requires the local government to review the strategy having regard to the submissions made. The local government may support the strategy without modification or with modifications to address the issues raised in the submissions. Any modifications to the certified strategy are made in the form of a recommendation to the WAPC rather than automatic modifications; and
5. The WAPC has 60 days from the date of receipt of the local government's recommendation to consider endorsement of the strategy under Regulation 15. The WAPC may endorse the strategy with or without modifications or refuse to endorse it.

Once the strategy is endorsed, a local government may prepare a new local planning scheme. Regulation 11(3) now allows for a strategy and scheme to be prepared concurrently. However, in this case, the Shire will commence preparation of the new scheme after advertising of the strategy has concluded.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

- 1.3.1 Increase community awareness**
Responsible officer: MCW
Timing: 1 year

Goal 3 – Economic – Planned Actions

- 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

- 3.1.2 Build a thriving and diverse economy**
Responsible officer: DCEO
Timing: 1-5 years

- 3.1.3 Encourage tourism**
Responsible officer: DCEO
Timing: 1-5 years

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

3.4 Land use and development control

- 3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land**
Responsible officer: CEO
Timing: 1-5 years

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. In accordance with Regulation 11(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* prepare the Shire of East Pilbara Local Planning Strategy, April 2016 and request the Western Australian Planning Commission certify the Strategy under Regulation 12; and
2. Note that a Consultation Plan will be prepared and tabled for consideration by Council at the 27 May 2016 Ordinary Meeting that will outline the parameters for public advertising and community engagement on the proposed local planning strategy.

**9.3.4 DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES) PILBARA
REGION - TRANSFER OF BUSHFIRE RESPONSE TRIAL**

File Ref: RNG-7-10-1

Attachments: [MOU DFES Pilbara Region 29 February 2016.pdf](#)
[Pilbara Region transfer of Bushfire Response Trial.pdf](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Clint Swadling
Manager Community Safety

Location/Address: Shire of East Pilbara

Name of Applicant: Department Fire and Emergency Services
(DFES)

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider entering into a Memorandum of Understanding (MOU) with the Department of Fire and Emergency Services for the Management and Control of the Bush Fire Brigades and Bush Fire and Emergency Services in the Pilbara Region of Western for a three year trial period.

BACKGROUND

At the Ordinary Council Meeting on 28th June 2013, it was resolved:

“THAT Council authorise the Chief Executive Officer to liaise with Department of Fire and Emergency Services (DFES) to obtain additional information in regards to transferring the administration and operation of bush fire brigades to DFES and to develop an informed recommendation that can be reported back to Council for consideration.”

At the Ordinary Council Meeting on 25th October 2013, it was resolved:

“THAT Council receive the DFES report - “Local Government Response Summary – Proposed Option To Transfer Bush Fire Brigades.” ”

DFES advise that following the successful three year trial of the transfer of responsibility for bushfire response from local government (LG) to the Department of Fire and Emergency Services (DFES) in the Kimberly region, the Pilbara Regional Council has approached the Fire and Emergency Services (FES) Commissioner seeking to extend the trial to include the four Pilbara local governments. The FES Commissioner approved this request, along with a further request from the Shire of Exmouth, on 7 December 2015.

A Memorandum of Understanding (MOU), outlining acknowledgements and undertakings by DFES and the five LGs requesting participation in the trial was subsequently developed, approved by the FES Commissioner and forwarded to LG for review and endorsement in late February 2016.

The shire has now received a MOU and concept of operations documentation from DFES to set out the framework of transferring responsibilities during the trial period.

COMMENTS/OPTIONS/DISCUSSIONS

The purpose of the MOU is to document an agreement between Town of Port Hedland, Shire of Ashburton, the Shire of East Pilbara, Shire of Exmouth, City of Karratha and DFES. Under the MOU, DFES will assist local governments to carry out their responsibilities for the management and control of bush fire brigades and bush fire response within the Pilbara region under the Bush Fires Act 1954.

Under the revised arrangements, the major change will see a DFES officer act as the Chief Bushfire Control Officer (CBFCO) and the Deputy Chief Bushfire Control Officer will be a Local Government representative. Traditionally, the position of CBFCO is a local government position and is usually assigned to the Manager Community Safety currently, with our Coordinator Ranger & Emergency Services as his deputy.

Only the Shire's of Ashburton, East Pilbara and City of Karratha have dedicated Bushfire Brigades (BFB) with the Shire of Exmouth having a BFB made up of works depot staff. The Town of Port Hedland does not have a BFB.

The MOU and proposed Concept of Operations underwent considerable discussion and debate with all other Local Government areas. Support for this proposal from within the administrations of all shires identified was positive, regarding the trial period.

Some of the advantages:

- The Town will transfer some risk for bush fires as the CBFCO will be a DFES officer;
- One agency initial response for fire;
- During the trial the Rangers or Manager Community Safety will no longer take the triple zero calls after hours which seems to be the fire are reported;
- If operational issues arise either party can withdraw from the agreement upon written notice;
- A similar trial has been underway in the Kimberly for a few years now and it has been reported that the new arrangements with Shire of Broome are working well in their area.

Some of the disadvantages:

- The nominated CBFCO will be a DFES officer and there may be a general lack of understanding of local government operational procedures;

The hand over and position of Chief Fire Control Officer is already possible under the current legislation due to recent changes to the Bush Fires Act 1954, as is the option to hand over fires to DFES (Section 13 BF Act) and their ability to assume control of any fire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Emergency Management Act 2005
Bush Fire Act 1954
Emergency Services Levy Act 2001
Fire and Emergency services Authority of WA Act 1998
Local Government Act 1995

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
- 1.3 Engaged community

FINANCIAL IMPLICATIONS

There may be some reduction in income but offset by reduction in staff time for the control and administration of the Emergency Services Levy.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

- 1. THAT Council approve entering into the Memorandum of Understanding (MOU) with the Department of Fire and Emergency Services for the Management and Control of the Bush Fire Brigades and Bush Fire and Emergency Services in the Pilbara Region of Western Australia for a three year trial period.**
- 2. THAT Council authorise the Chief Executive Officer to sign the MOU.**
- 3. Request the Fire and Emergency Services Commissioner to designate a person employed in DFES to act as the CBFCO in accordance with section 38A of the Bush Fires Act 1954 during the trial period.**

- 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**
27th May 2016, Newman
- 15 CLOSURE**