



## **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, 31 JANUARY, 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

Cr Lynne Craigie  
Cr Lang Coppin OAM  
Cr Anita Grace  
Cr Gerry Parsons  
Cr Doug Stead  
Cr Craig Hoyer  
Cr Kevin Danks  
Cr Dean Hatwell  
Cr Biddy Schill

Shire President  
Deputy Shire President

Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Rick Miller  
Mrs Sheryl Pobrica

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

Public Gallery

**2.2 APOLOGIES**

Councillor Apologies

Cr Shane Carter  
Cr Stephen Kiernan

Officer Apologies

**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 December 06 2013 Council.DOCX](#)

**OFFICER'S RECOMMENDATION**

**THAT** the minutes of the Ordinary Meeting of Council held on 6 December 2013, be confirmed as a true and correct record of proceedings.

**7.2 PILBARA REGIONAL COUNCIL MINUTES 2 DECEMBER 2013**

**OFFICER'S RECOMMENDATION**

[Pilbara Regional Council Minutes 2<sup>nd</sup> December 2013](#)

**THAT** the minutes of the Ordinary Meeting of Pilbara Regional Council held on 2<sup>nd</sup> December 2013, be received.

**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

**8.2 ITEMS FOR INFORMATION**



## **9 OFFICER'S REPORTS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2013**

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

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#### **REPORT PURPOSE**

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

#### **BACKGROUND**

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

#### **BACKGROUND**

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

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

That status list of Council decisions is included.

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

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

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

#### **POLICY IMPLICATIONS**

Nil

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**STRATEGIC COMMUNITY PLAN**

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Chief Executive Officer for December 2013 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
27 September 2013	13.4	SUPPORT FOR MR JACK BENNETT Cr Lang Coppin has asked the Council to support Mr Jack Bennett in his request for help in receiving funding as he does a great service to the community and people who travel on the desert roads.	CEO	Being considered	

**9.1.2 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -  
MANAGER COMPLIANCE - AIRPORTS**

**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 Compliance – Airports.

**BACKGROUND**

Council recently employed Mr George Christianson, Manager Compliance - Airports, for a three year contract term, expiring on 6<sup>th</sup> January 2017.

**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 George Christianson, Manager Compliance – Airports, for a term of three years, expiring on 6 January 2017.**

**9.1.3 AFFIXING OF THE 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

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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 Community Safety.

**BACKGROUND**

Council recently employed Mr Paul Dickson, Manager Community Safety, for a three year contract term, expiring on 16<sup>th</sup> December 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**

**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 Paul Dickson, Manager Community Safety for a term of three years, expiring on 16 December 2016.**

**9.1.4 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -  
MANAGER DEVELOPMENT - AIRPORTS**

**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 Development - Airports.

**BACKGROUND**

Council recently employed Mr Salomon Kloppers, for a three year contract term, expiring on 13<sup>th</sup> January 2017.

**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 Salomon Kloppers, Manager Development - Airports for a term of three years, expiring on 13 January 2017.**



**9.1.5 AFFIXING THE COMMON SEAL TO EMPLOYMENT CONTRACT -  
MANAGER DEVELOPMENT SERVICES - PLANNING**

**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 Development Services – Planning.

**BACKGROUND**

The employment contract of Mr Adam Majid has been extended by a two year term expiring on 12<sup>th</sup> December 2015, with an option of a further one year extension, subject to satisfactory work performance.

**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 1 – Civic Leadership – Planned Actions**

- 1.2.1 Engaged and valued workforce
- 1.2.3 Plan, attract and maintain staff

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

#### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with 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 Adam Majid, Manager Development Services – Planning for a term of two years, expiring on the 12<sup>th</sup> December 2015, with an option of a further one year term to the 12<sup>th</sup> December 2016.**

#### 9.1.6 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

**File Ref:** ADM 1-1  
**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:** Responsible Officer is the incumbent

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#### REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

#### BACKGROUND

It is a compliance requirement of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, that a review of the CEO's performance be undertaken each year.

#### COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform that review by Council. In either case, the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

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

##### ***Part 5 – Administration***

##### ***Division 4 – Local government employees***

##### **5.38 Annual review of certain employee's performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

##### **5.39 Contracts for CEO's and senior employees**

(1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

(1a) *Despite subsection (1) –*

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- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
  - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section –*
  - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
  - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless –*
  - (a) *the expiry date is specified in the contract;*
  - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
  - (c) *Any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection (2)(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*

### **Local Government (Administration) Regulations 1996**

#### **18D Local government to consider performance review on CEO**

*A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

### **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**

Subject to contractual and statutory arrangements.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council:**

1. Establish a review panel comprising the Shire President, Cr Lynne Craigie, and the Deputy Shire President, Cr Lang Coppin, to undertake the Annual Performance Review of the Chief Executive Officer.
2. The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act 1995.

### 9.1.7 DISCLOSURE OF FINANCIAL INTEREST

**File Ref:** FIN 23-4  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Allen Cooper  
Chief Executive Officer  
**Proposed Meeting Date:** 31 January 2014  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To seek to change, Local Government (Administration) Regulations 20(3) from \$10,000 to \$100,000.

### BACKGROUND

Sections 5.62 (1)(d)(ii)(l) of the Local Government Act 1995 requires a disclosure of financial interest when a “relevant person” holds shares exceeding the prescribed amount.

The prescribed amount under regulation 20(3) of the Local Government (Administration) Regulations is \$10,000.

In today’s environment a \$10,000 share holding is a minor amount especially with superannuation funds, managed share portfolios, and employee allotments.

It is therefore, considered that Council could refer it to the Pilbara Regional Council and then to the Western Australian Local Government Association for support to endeavour to raise the level from \$10,000 to a more reasonable level.

### COMMENTS/OPTIONS/DISCUSSIONS

This change will assist Local Government to function without the need to seek Ministerial approval to ensure quorums at meetings.

### STATUTORY IMPLICATIONS/REQUIREMENTS

#### Local Government Act 1995

#### 1. Division 6 — Disclosure of financial interests

#### SUBDIVISION 1 — DISCLOSURE OF FINANCIAL INTERESTS IN MATTERS AFFECTING LOCAL GOVERNMENT DECISIONS

#### 5.59. Terms used

In this Subdivision, unless the contrary intention appears —  
*extent*, in relation to an interest, includes the value and amount of the interest;

**member**, in relation to a council or committee, means a council member or a member of the committee;

**relevant person** means a person who is either a member or a person to whom section 5.70 or 5.71 applies.

#### 5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

*[Section 5.60 inserted by No. 64 of 1998 s. 30.]*

#### 5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

#### 5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
  - (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (the **proposal land**) adjoins a person's land if —
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; or
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No. 64 of 1998 s. 30.]*

**5.61. Indirect financial interests**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

**5.62. Closely associated persons**

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the prescribed amount; or
      - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
  - (ea) the relevant person is a council member and the person —
    - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
    - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
    - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.



(2) In subsection (1) —

**notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

**value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

*[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

#### 5.63. Some interests need not be disclosed

(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

- (a) an interest common to a significant number of electors or ratepayers; or
- (b) an interest in the imposition of any rate, charge or fee by the local government; or
- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or
- (d) an interest relating to the pay, terms or conditions of an employee unless —
  - (i) the relevant person is the employee; or
  - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

or

*[(e) deleted]*

- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
- (h) a prescribed interest.

(2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for any area in the district; or
- (b) any proposed change to the zoning or use of land in the district; or
- (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

(3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for that land or any land adjacent to that land; or

- (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district; or
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

**[5.64.** Deleted by No. 28 of 2003 s. 112.]

**5.65. Members' interests in matters to be discussed at meetings to be disclosed**

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
  - (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

**5.66. Meeting to be informed of disclosures**

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

**5.67. Disclosing members not to participate in meetings**

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

**5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

**5.69. Minister may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.

- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
  - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

- (4) A person must not contravene a condition imposed by the Minister under this section.

Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69 amended by No. 49 of 2004 s. 53.]*

#### 5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.

Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

### Local Government (Administration) Regulations 1996

#### 2. Part 6 — Disclosure of financial interests

*[Heading inserted in Gazette 26 Aug 2011 p. 3487.]*

#### 20. Closely associated persons, matters prescribed for (Act s. 5.62)

- (1) In subregulation (2) —  
***client or adviser*** means a person who supplies, or receives, legal or financial professional services.
- (2) A relevant person who, within the previous 12 months, was a client or adviser of a relevant person is a person of a class of persons prescribed for the purposes of section 5.62(1)(ca).
- (3) The amount prescribed for the purposes of section 5.62(1)(d)(ii)(I) is \$10 000.

- (4) The percentage prescribed for the purposes of section 5.62(1)(d)(ii)(II) is 1%.
- (5) The prescribed manner of calculating the value of shares for the purposes of the definition of *value* in section 5.62(2) is —
  - (a) the closing share price of the shares on the Australian Stock Exchange Limited on the last trading day of the financial year; or
  - (b) the nominal value of the share, if the share was not listed on the Australian Stock Exchange Limited on the last trading day of the financial year.

*[Regulation 20 inserted in Gazette 31 Mar 2005 p. 1039-40; amended in Gazette 19 Aug 2005 p. 3873.]*

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

Nil

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council request the Pilbara Regional Council's support in raising the prescribed amount in Regulation 20(3) of the Local Government (Administration) Regulations.**

**9.1.8 EXTENSION OF LEASE KURRA VILLAGE**

**File Ref:** A700695  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Allen Cooper  
Chief Executive Officer  
**Location/Address:** Lot 301 & 302 Newman Drive, Newman  
**Name of Applicant:** BHP Billiton Iron Ore Pty Ltd  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To Seek Councils input on the proposal from BHP Billiton Iron Ore approval to extend the lease of Lots 301 & 302 Newman Drive, Newman (known as Kurra Village).

**BACKGROUND**

Council has received correspondence and presentations from BHP Billiton Iron Ore on the proposal to seek state approval to extend the lease of what is known as Kurra Village in Newman. The current lease is due to expire on the 31<sup>st</sup> December 2015.

The current village has been mainly utilised as a construction village during the growth phase of mining in the region and was supported by Council on the 23<sup>rd</sup> July 2004, item 9.2.3.

The village has approximately 1600 beds plus associated facilities eg: messing and recreation and is situated on the northern entrance into Newman off Newman Drive.

BHP Billiton Iron Ore is seeking Councils support to renew the lease with the State for a total period of 25 years made up of a 10 year lease with three (3) five (5) year options.

All other items to remain the same.

The original proposal put to Council was that the temporary village was for the period of construction and was to be demobilised by mid-2007.

This obviously did not occur as construction continued after 2007 and the lease was renewed with the State until December 2015.

The village has always been considered a temporary construction village however; if the current proposal goes through it would mean that the village could be in place for 35 years, therefore, no longer a temporary construction village.

The proposal indicates that the village will be to accommodate the "Transit Workforce".

**COMMENTS/OPTIONS/DISCUSSIONS**

Council has a number of options:

1. To support the proposal.
2. To not support the proposal.
3. To support the proposal with conditions (though ultimately the State will set any conditions). i.e:
  - Number of rooms.
  - Length of lease.
  - Built form of camp.
  - Integration and use of facilities with the town.
  - Membership of Newman Liquor Accord.
  - Contribution to community facilities.
  - Support of local business e.g.: vouchers for meals.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

- 3.3.1 Ensure well managed and equitable provision of community infrastructure  
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
- 3.1.1 Provide support for established and emerging business bodies and local businesses

**FINANCIAL IMPLICATIONS**

Gross Rental Value rates are paid on the property

- Current rate - \$390,266.70
- Emergency - \$52,890 Service Levy (paid to state).
- Sewage - \$33,234.60

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council support the proposal with the following conditions/comments:**

- 1. Limit the size of the village to 1,000 beds plus associated facilities.**
- 2. Village to be utilised by persons requiring 6 days or more accommodation only.**
- 3. The village have a representative on the Newman Liquor Accord Committee.**
- 4. The lease be for a maximum of 10 years.**
- 5. The built form of the village to become a more permanent nature.**
- 6. Seek better interaction of the village and the village amenities into the operation of the town site.**



**9.1.9 PILBARA KIMBERLEY JOINT FORUM 2014**

**File Ref:** ORG 4-6  
**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 determine attendees to the 2014 Pilbara Kimberley Joint Forum.

**BACKGROUND**

Council at its meeting on 25<sup>th</sup> October 2013, (item 11.1.4) resolved the following:

*THAT Council advise the Pilbara Regional Council (PRC) that it does support the 2014 Pilbara/Kimberley Joint Forum to be held in Jakarta.*

Further information has now been received that the forum will be held between the 4<sup>th</sup> and 7<sup>th</sup> May 2014 in Jakarta – venue still to be confirmed.

Whilst a full program is not available at this time it is envisage that the forum will cover such items as;

- Trade links with Indonesia,
- Providing an international perspective to local issues and trade concerns
- Reciprocal tourism opportunities.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Pilbara Kimberley Join Forum is an annual event and is usually attended by a number of Councillors. Pilbara Regional Council Meetings are attended by Councils nominated members being Cr Lynne Craigie and Cr Anita Grace and the proxies are Cr Shane Carter, Cr Gerry Parsons also the Chief Executive Officer attends.

Hopefully additional program details will be available prior to the Council meeting.

Attendees must have a valid passport.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

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## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

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

- 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

Cost involved will be flights to Perth up to \$1000 per person, registration fee \$450 per person which includes international flights, conference costs and accommodation and meals. Registration costs previously have been around \$350 plus accommodation and some meals.

Partners can attend at a cost of \$1,500 per person payable by the attendee.

Costs are included in Councils annual budget allocation at;

Members	41007 Conference and Seminars Expenses. Budget \$50,000 spent to 16/01/2014 \$33,562.
Staff	41103 Conference and Seminars Expenses Budget \$35,000 spent to 16/01/2014 \$14,466.58

### VOTING REQUIREMENTS

Simple.

### OFFICER'S RECOMMENDATION

**THAT Council;**

1. Approve the attendance of Councillors \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ and the Chief Executive Officer to the Pilbara Kimberley Joint Forum.
2. Any Partners expenses are to be covered by the attendee.

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

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

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

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**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 December 2013 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
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	Windows and tinting completed Flooring still being assessed.	In Progress
25 October 2013	15.1	SKATE PARK AND BANNERS FOR MARBLE BAR Cr Stephen Kiernan asked when the mobile skate park and banners would be purchased for Marble Bar.  Deputy Chief Executive Officer replied that the banners had been purchased and is awaiting delivery to Nullagine and Marble Bar. Further information is currently being sought on the mobile skate park and this will come back to the next Council meeting.	DCEO	Banners are purchased and delivered to be installed MB Skate Park is being addressed after reseal of tennis courts	In Progress
6 December 2013	13.6	NEWMAN POPULATION FIGURES Cr Doug Stead has asked if he could receive an update on the population figures for	DCEO	Memo issue to Councillors	On Going

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

**31 JANUARY, 2014**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		the Shire of East Pilbara Towns. Deputy Chief Executive Officer to follow up.			
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 and will be tabled at next month's meeting.	MBA	Workshop 31 <sup>st</sup> January 2014	On Going

## 9.2.2 CHANGES TO THE COMMUNITY ASSISTANCE GRANTS POLICY

<b>File Ref:</b>	<b>CSV-9-4-2</b>
<b>Attachments:</b>	<a href="#">Shire of East Pilbara CAG.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Keesha Booth</b> <b>Coordinator Community 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 make changes to the Community Assistance Grants Policy to ensure information is current and up to date.

### BACKGROUND

Community Assistance Grants applications can be made by clubs and community groups twice a year for the value between \$1,000 - \$5,000. These grants open and close in January and July every year for the purpose of financially assisting clubs and community groups with the following criteria;

1. Club / organisation development.
2. Hosting special events associated with the clubs/ organisations.
3. Sporting clubs development such as coaching and/or official courses
4. Beautification of facilities and/ or premises

### COMMENTS/OPTIONS/DISCUSSIONS

The Community Assistance Grants Policy 6.6 in the Council Policy Manual is to provide the opportunity for Council to assist the community through a clear and fair process of assessing and allocating requests for cash and in-kind assistance. Furthermore, to provide an effective administrative procedure for dealing with community assistance grants requests.

#### Recommendation 1

Information pertaining to the policy under the sub heading of "Application for Grants or Assistance" states the following;

"Council's grant program will offer two rounds of funding annually. Round One applications open 1<sup>st</sup> July and close 31<sup>st</sup> July and are tabled at the August Council meeting. Round Two applications open 1<sup>st</sup> January and close 31<sup>st</sup> January and are tabled at the February Council meeting." (SOEP Policy Manual)

Changes must be made to this paragraph to ensure the policy is reflective of Councils current practice as there is currently no council meeting scheduled for February 2014.

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Therefore please find a revised paragraph below as per sub heading “Applications for Grants or Assistance”;

“Council’s grant program will offer two rounds of funding annually. Round One applications open 1<sup>st</sup> July and close 31<sup>st</sup> July and are tabled at the next scheduled Council meeting. Round Two applications open 1<sup>st</sup> January and close 31<sup>st</sup> January and are tabled at the next scheduled Council meeting.”

### **Recommendation 2**

The Application and Guideline currently in the Policy Manual is outdated and must be updated with the new redesigned forms. The current application has a combination of Quick Grants and Community Assistance Grants applications and guidelines. Please find amended document attached.

### **Recommendation 3**

In Councils Policy Manual under 6.6 Community Assistance Grants the sub heading “TERMS AND CONDITIONS OF FUNDING” states the following information;

Applications for funding must meet the following terms and conditions:

- Have no outstanding debts (greater than 30 days) with the Shire of East Pilbara.
- Have no outstanding acquittals from previous Community Assistance Grant applications.
- Funds must be used for the purpose for which they were approved. Unspent funds are to be returned to the Shire.
- Funds must be utilised solely for the provision of benefits to residents within the Shire of East Pilbara.
- Shire of East Pilbara must be acknowledged during the course of the event and in any publications that arise as a result of the event.
- Council grants will need to be at least matched by the organisation through an equivalent financial contribution or in kind support.

To be successful, grants must meet one or more of the following criteria:

- Club/organisation development e.g. governance and management strategies such as installation of accounting systems, hiring of consultants to prepare business and succession plans.
  - Hosting special events associated with the club/organisation eg State Championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire.
  - Sporting club development e.g. coaching courses, governance training and/or grant writing courses.
  - Beautification of facilities and/or premises e.g. refurbishment and renovations of premises or facilities.
- Funds are to be acquitted within 14 days of the completion of the event.

In light of Councils current practice, applications received for Community Assistance Grants where the project or event is held before council decision is made is rejected by Council in previous rounds, therefore the request to include the following guideline to ensure current practice is reflected in the Community Assistance Grants Policy.

Please find below additional guidelines to attach to sub heading "Terms and Conditions of Funding":

- Applications for Community Assistance Grants (\$1,000-\$5,000) where the event or project is held before the Council decision is made will not be considered at the scheduled Council meeting.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

### 6.6 COMMUNITY ASSISTANCE GRANTS

**Minute No: Item 9.2.3**

**Date: 24 September 2010**

#### **Policy Objectives**

To provide the opportunity for Council to assist the community through a clear and fair process of assessing and allocating requests for cash and in-kind assistance. Furthermore, to provide an effective administrative procedure for dealing with community assistance grant requests.

#### **Policy Statement**

Council recognises its important role of providing assistance to the community. Council considers it important that the processes of providing assistance in either cash or in-kind, ensures equity, accountability and efficiency in allocating all resources.

All assistance is intended to encourage the concepts of community development and self-sufficiency within the Shire, rather than reliance, and donations are intended to be used to positively contribute to the wellbeing of individuals and groups in the community. This policy is designed to ensure that resources are directed towards achieving Council's strategic vision, mission and goals as determined in the Plan for Future of the District.

#### **Applications for Grants or Assistance**

Council assistance can only be sought by completing the required form and addressing the conditions and guidelines contained within the application form.

Grants are available to organisations involved in arts, culture, sport, recreation and charitable purposes. Grants must be matched dollar for dollar or with in kind support.

There are three types of grants offered:

1. Quick Grants are available throughout the whole year and are for in-kind contributions of up to \$300.00.
2. Grants up to \$1,000.00 are available throughout the year and are approved by the Chief Executive Officer.
3. Grant from \$1,000.00 to \$5,000.00 are available twice a year and are approved by Council.

Council's grant program will offer two rounds of funding annually. Round One applications open 1<sup>st</sup> July and close 31<sup>st</sup> July and are tabled at the August Council



meeting. Round Two applications open 1<sup>st</sup> January and close 31<sup>st</sup> January and are tabled at the February Council meeting.

### **Selection Criteria**

For a grant to be successful it must meet one or more of the following criteria;

- ☐ Club/organisation development eg governance and management strategies such as installation of accounting systems, hiring or consultants to prepare business and succession plans.
- ☐ Hosting special events associated with the club/organisation eg State Championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire.
- ☐ Sporting club development eg coaching courses, governance training and/or grant writing courses.
- ☐ Beautification of facilities and/or premises eg refurbishment and renovations of premises or facilities.

### **Promotion of Grants**

The availability of all Council grants will be advertised twice a year in local print media and community notice boards, plus additional promotions where appropriate and available. Advertising will be timely in respect to closing dates of applications.

### **Assessment of Grants**

All applications must be date stamped and logged in as received upon receipt. Relevant Shire Officers, accounting for the established criteria, policy objective and aims of each Grant, must objectively assess all grants. Applications which do not meet relevant established criteria within this policy will not be considered.

### **Budgeting**

A community grant allocation will be considered at Council's annual budget meeting. Grant applications will then be considered in the August and February Council meetings.

### **Public Relations**

All successful applicants must acknowledge the Shire of East Pilbara via methods established and agreed by the Chief Executive Officer, or his delegate, or as otherwise indicated on application forms.

### **Funding Agreement**

Successful applicants will be required to sign the appropriate Funding Agreement.

### **Review of Policy**

The Chief Executive Officer, or his delegate, may review terms and conditions relevant to each of the application forms, from time to time.



**SHIRE OF EAST PILBARA**

**COMMUNITY ASSISTANCE GRANTS (CAG's)**

**2010 - 2011**

## **COMMUNITY ASSISTANCE GRANTS**

### **AIM:**

The Shire of East Pilbara's Community Assistance Grants is designed to promote the concept of community development and self-sufficiency within the municipality. Council grants are intended to be used to positively contribute to the wellbeing of the community.

### **WHO IS ELIGIBLE?**

Grants will be available to not for profit organisations involved in Arts, Culture, Sport, Recreation and Charitable purposes. However, where an organisation has an outstanding acquittal with the Shire of East Pilbara, Council will disqualify the organisation in applying for any additional grants, until the necessary paperwork has been received.

Individuals are not eligible to receive grants in their own right, however they can make an application of the organisation that are affiliated with, and are recognised as a current officer bearer of that organisation.

### **WHO IS INELIGIBLE?**

Grants will not be offered to:

- ☐ State or Federal Government Agencies.
- ☐ Profit organisations.

- ☐ Fund raising events eg quiz nights, cake stalls, raffles.
- ☐ Projects that are not community focussed.
- ☐ Organisations with current outstanding acquittals.
- ☐ Projects that do not meet one of the four (4) application criteria.

### **FUNDS AVAILABLE**

The Shire of East Pilbara has two classifications of grants:

1. Grants up to \$1,000. These grants are approved by Chief Executive Officer and can be made throughout the financial year and can be in cash or in-kind. If the actual request is under \$150, then a Quick Grants Application Form may be completed.

2. Grants from \$1,000 up to \$5,000. These grants are offered twice a year:

Round One: open 1<sup>st</sup> July and close on 31<sup>st</sup> July and are tabled at the August Council meeting.

Round Two: Open 1<sup>st</sup> January and close 31<sup>st</sup> January and are tabled at the February Council meeting.

### **TERMS AND CONDITIONS OF FUNDING:**

Applications for funding must meet the following terms and conditions:

- Have no outstanding debts (greater than 30 days) with the Shire of East Pilbara.
- Have no outstanding acquittals from previous Community Assistance Grant applications.
- Funds must be used for the purpose for which they were approved. Unspent funds are to be returned to the Shire.
- Funds must be utilised solely for the provision of benefits to residents within the Shire of East Pilbara.
- Shire of East Pilbara must be acknowledged during the course of the event and in any publications that arise as a result of the event.
- Council grants will need to be at least matched by the organisation through an equivalent financial contribution or in kind support.
- To be successful, grants must meet one or more of the following criteria:
  - Club/organisation development eg governance and management strategies such as installation of accounting systems, hiring of consultants to prepare business and succession plans.
  - Hosting special events associated with the club/organisation eg State Championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire.
  - Sporting club development eg coaching courses, governance training and/or grant writing courses.
  - Beautification of facilities and/or premises eg refurbishment and renovations of premises or facilities.
- Funds are to be acquitted within 14 days of the completion of the event.

### **HOW TO APPLY:**

To apply for funding under the Community Assistance Grants programme, the following steps must be taken:

- Applications must be made on the relevant application form available from Shire Offices and the Shire of East Pilbara Website ([www.eastpilbara.wa.gov.au](http://www.eastpilbara.wa.gov.au)).
- Applications must be completed in full and signed by an office holder of the organisation.
- Applications must be received by the Shire of East Pilbara, Newman Administration Office by the advertised closing date. Council will consider applications at the monthly Council meeting following the closure dates.

- Grants must be at least matched dollar for dollar or with in-kind support by the club/organisation requesting the funding.
- A copy of the organisation's certificate of registration, current budget, most recent annual financial statement and latest bank statement must be attached to the application. (Photocopies are acceptable. Please do not include originals.)
- Organisations may provide additional relevant material where they feel that this will aid the Council in making its decision on the event.

### **ACQUITTAL REQUIREMENTS**

Once an organisation has completed the activity associated with the Community Assistance Grant (CAG's), the organisation must complete the attached Evaluation Report including the required acquittal will:

### **HOW DECISIONS ARE MADE:**

The Shire of East Pilbara will use the following process to determine which events/activities will be funded.

- Applications must be forwarded to the Manager Community Wellbeing who will ensure that they are recorded as having been received by the date due.
- Where an application is incomplete it will be returned to the contact person without assessment. Failure to complete all the necessary information requested including a detailed proposed budget may result in the application not being submitted to Council for consideration. If an applicant is having difficulty completing the application, the Manager Community Wellbeing is able to be contacted and will provide assistance.
- All applications will be formally assessed (using the formal assessment document) and prioritised in accordance with the needs of the community and the allocated budget.
- All applications will only be considered on merit and compliance with the selection criteria outlined above.
- Council's decision on the matter shall be final and no appeals will be considered.
- All applicants will be notified, in writing, of the outcome of their application no later than 1 month following the Council meeting in which it was considered. In the event of a minor grant application, the applicant will be notified within five (5) working days after receiving of the application.

**COMMUNITY ASSISTANCE GRANTS**

Name of Organisation: \_\_\_\_\_

Mailing address of organisation: \_\_\_\_\_

\_\_\_\_\_ Post Code \_\_\_\_\_

Contact person: \_\_\_\_\_

Contact Person's Position (within organisation): \_\_\_\_\_

Contact Numbers: (h) \_\_\_\_\_ (m) \_\_\_\_\_

Email: \_\_\_\_\_

ABN of organisation: \_\_\_\_\_

What will the grant be used for? (refer to four (4) criteria):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount Requested: \_\_\_\_\_ Total Budget: \_\_\_\_\_

Are you seeking funding from other organisations?: Yes No

What other organisations?

(Please include details of the amounts requested from these organisations both cash and in-kind: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the value of your organisations in-kind support?: \_\_\_\_\_

Are you registered for GST? Yes / No

Has the organisation previously received funding from the Shire of East Pilbara?

Yes/No

	Purpose of Funding	Amount Received (\$)	Acquittal Completed (y/n)
If yes please complete the following: Year of Funding			

**For a grant to be successful it must meet one or more of the following criteria.**

**Please highlight all the criterion your application meets:**

- Club/organisation development e.g. governance and management strategies such as installation of accounting procedures, hiring of consultants to prepare business and succession plans, governance training, grant writing courses.
- Hosting special events associated with the club/organisation eg State Championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire.
- Sporting club development such as coaching and/or official courses.
- Beautification of facilities and/or premises eg refurbishment and renovations of premises or facilities.

**Description of activity:**

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**How will this event benefit the community** \_\_\_\_\_

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**Is this event in partnership with any other groups, organisations and/or agencies? Yes / No**

**If yes, what other groups, organisations and/or agencies are involved and how will they contribute to making the event a success?**

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**Target group the activity is aimed at benefiting:**

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**How many people are expected to be involved?**

**Club Members:** \_\_\_\_\_

**Spectators:** \_\_\_\_\_

**Participants:** \_\_\_\_\_

**How will your organisation acknowledge the Shire of East Pilbara's funding (eg. signage, inclusion of Shire logo on print materials, verbal acknowledgement, media article(s), etc)? Please be specific.:**

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**31 JANUARY, 2014**

Income	\$	Expenditure	\$
<b>Shire Contribution:</b> Cash: In-kind:  <b>Your organisation's Contribution:</b> Cash: In-kind:  <b>Other organisation's Contributions:</b> Cash: In-Kind:  <b>Other organisation's Contributions:</b> Cash: In-Kind:		<b>Contractors (specify):</b>          <b>Food &amp; Drink:</b>          <b>Materials/Equipment:</b>          <b>Performance Fees:</b>          <b>Travel &amp; Accommoda </b>	
<b>Other organisation's Contributions:</b> Cash: In-Kind:  <b>Other organisation's Contributions:</b> Cash: In-Kind:  <b>Ticket Sales:</b>  <b>Fundraising at event:</b>  <b>Fees &amp; Charges of participants of event:</b> <b>Other (specify):</b>  <b>TOTAL INCOME:</b>		<b>Hire Fees:</b>          <b>Prizes/Awards</b>          <b>Other (specify):</b>          <b>TOTAL EXPENSES:</b>	

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**Declaration**

I \_\_\_\_\_ hereby certify that I have been authorised  
by \_\_\_\_\_

(name of Association/Club) to prepare and submit this application.

The information contained in this application is to the best of my knowledge true and correct.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SHIRE OF EAST PILBARA  
GRANT ACQUITTAL FORM**

**Organisation:**

**Event:**

**Grant amount:**

**Acquittal Due: Within 28 days of completion of event**

**\*\*invoices and payment receipts must be attached**

SHIRE OF EAST PILBARA	
COMMUNITY ASSISTANCE GRANT	
2010-2011	
Income and Expenditure Statement	
for the period ending	
INCOME	
EXPENDITURE	
SURPLUS/DEFICIT	
NB: All income and expense figures are gst exclusive	

I (.....) President  
and

I (.....)  
Secretary/Treasurer of

.....  
report having examined the books and accounts for

.....  
in the period ending.....

and found this to be in accordance with the Club's books,  
accounts and documents produced.



**STRATEGIC COMMUNITY PLAN**

**Goal 2 – Social – Planned Actions**

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

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

- 2.4 Diverse and inclusive communities

- 2.4.2 Build strong community groups, networks and governance  
Responsible officer: MCW  
Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Accept Recommendation 1 as presented**
- 2. Accept Recommendation 2 as presented**
- 3. Accept Recommendation 3 as presented.**

### 9.2.3 VARIATION TO FEES AND CHARGES AT NEWMAN AQUATIC CENTRE

**File Ref:** FIN-24-1  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sharon Walsh  
Manager Recreation Services  
**Location/Address:** Newman Aquatic Centre  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To seek Councils approval to the current entry fees at the Newman Aquatic Centre.

#### BACKGROUND

In November 2013, a Newman resident wrote to Shire seeking free pool admission due to their medical condition.

The Shire does offer a range of discount pool entries already to residents in the form of multi-entry passes, but this resident advised that these would still be cost prohibitive for her to purchase as she is wanting to attend the pool up to twice per day to aid in her recovery.

#### COMMENTS/OPTIONS/DISCUSSIONS

In December 2013, Shire staff contacted five (5) Aquatic Centres in the North West of WA to ascertain how they process entries for clients that have documented medical conditions. All Centres reported that they offer a concession rate as part of their normal fee structure and these existing concession fees would be used for a medical patient seeking cheaper entry fees.

Currently at the Newman Aquatic Centre, a Senior Card holder can purchase a 50 Multi-Entry Pass for \$150.50 which equates to a total cost of \$3.00 per swim. The Centre also offers a Spectator 50 Multi-Entry pass at a cost of \$80.00 which equates to a single non swimming visit at \$1.60.

Under the grounds of compassion, it is suggested that medical patients liaise with Shire staff for suitable access to the Centre and be offered a discounted entry fees by way of the current Spectator Multi Entry passes which are as follows:

10 Multi-Entry pass \$16.00  
20 Multi-Entry pass \$32.00  
50 Multi-Entry pass \$80.00

Shire staff believes this is fair and equitable offer as it allow patients regular access to the facility at a discounted rate but is also requires contribution from the patient to use the facility. It is further suggested that each medical patient provides monthly

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correspondence from their recognised health professional to ensure the medical condition is legitimate and valid.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**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**

- 2.1.2 Encourage active lifestyles**  
Responsible officer: MCW  
Timing: 1-3 years

**FINANCIAL IMPLICATIONS**

This initiative may result in a small decrease in the amount of full paying swimmers who become eligible to pay the cheaper medical concession rate, however the amount people taking up this offer is not expected to be high.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Offer eligible medical patients the current Spectator Multi Entry pass entry fees for use of the Newman Aquatic Centre.**
- 2. Impose the new fees effective from the 10<sup>th</sup> February 2014.**
- 3. Provide notice of the adopted fees as advertised, pursuant to Section 6.19 of the *Local Government Act 1985*.**

**9.2.4 AMENDMENT TO THE SHIRE PRESIDENT AND COUNCILLORS -  
ATTENDANCE FEES, EXPENSES & ALLOWANCES POLICY**

**File Ref:** LEG-2-1  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Angela McDonald  
Manager Finance and Administration  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

To seek Councils endorsement to amend the Shire President & Councillors – Attendance Fees, Expenses and Allowances Policy to reflect current practice.

**BACKGROUND**

The policy for Shire President & Councillors – Attendance Fees, Expenses and Allowances Policy was adopted by Council in June 2003. At the Council meeting of 3<sup>rd</sup> February, 2006 Council adopted new travel rates for Councillors and Staff when utilising a private vehicle for Council or work purposes. These rates have been used since this meeting however the policy was not updated. This request is to align the policy with current practice.

**COMMENTS/OPTIONS/DISCUSSIONS**

The amended policy will reflect current practice in regards to the rates paid for travel costs associated with the use of private vehicles. These rates were adopted at the Council meeting of 3<sup>rd</sup> February 2006 and are as follows:

Details	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
<b>Cents per kilometre</b>			
<b>Sealed Roads</b>	94.44	80.76	67.68
<b>Unsealed Roads</b>	125.00	107.00	89.68

The policy currently states that travel costs for the use of private vehicles is to be paid at the current rates specified in the Local Government Industry Award 2010.

The amended policy will also reflect the Deputy Shire President's annual allowance as determined by Council.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## POLICY IMPLICATIONS

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

Minute No: Item 9.1.3

Date: 27th June 2003

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#### Objective

To provide a policy on what charges members of Council are entitled to receive.

#### Policy

- a) That Councillors receive an annual meeting attendance fee as determined annually by Council.
- b) That the Shire President receives an annual meeting attendance fee as determined annually by Council.
- c) That the Shire President and Councillors be reimbursed line rental charges in relation to one telephone and one facsimile machine and for prescribed child care expenses necessarily incurred through attendance at meetings or while on authorised Council business. Any Councillor seeking reimbursement is to provide the Chief Executive Officer with a copy of receipted accounts in conjunction with an attached claim form.
- d) The Shire President and Councillors are to be paid travel costs for the use of private vehicles at the current rates specified in the Local Government Industry Award 2010 for any travel to and from Council whilst attending any of the following:
  - i. Council meetings (ordinary and special)
  - ii. Meetings of Council appointed committees in the capacity of a member of that Committee
  - iii. Annual and Special Meetings of Electors
  - iv. Officially called Civic Receptions
  - v. Visits by Ministers of the Crown
  - vi. Council authorised meetings with Government agencies
  - vii. Other Council called meetings of Councillors and staff

Any Councillor seeking reimbursement is to provide the Chief Executive Officer with a formal claim form, which includes a declaration to the effect that the travel expenses were incurred.

Where possible Councillors shall use Council owned vehicles for travel rather than utilise privately owned vehicles.

1. The Shire President and Councillors are to be reimbursed for travel costs and accommodation expenses for attending any conference or seminar as Council's authorised representative, e.g. Country Shires C Authority Western Australian Local Government Association (WALGA) Annual Conference, Seminars, etc.
-

2. It is Council policy to decline requests from Councillors for the reimbursement of any other expenses other than those mentioned above and approved expenses incurred in attending conferences, seminars and training courses.
3. The Shire President is to receive an annual allowance as determined annually by Council.
4. It is Council's policy to review the fees and allowances annually at the May Council meeting for inclusion in the following years budget.

**Legislation**

*Local Government Act 1995 Part 5 Division 8 - Fees, expenses and allowances*

**STRATEGIC COMMUNITY PLAN**

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

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

1.1 Efficient and effective local government

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council adopt changes to the Shire President & Councillors – Attendance Fees, Expenses & Allowances as set out.**

Minute No: Item 9.1.3  
Date: 27th June 2003

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### **Objective**

To provide a policy on what charges members of Council are entitled to receive.

### **Policy**

- a) That Councillors receive an annual meeting attendance fee as determined annually by Council.
- b) That the Shire President receives an annual meeting attendance fee as determined annually by Council.
- c) That the Shire President and Councillors be reimbursed line rental charges in relation to one telephone and one facsimile machine and for prescribed child care expenses necessarily incurred through attendance at meetings or while on authorised Council business. Any Councillor seeking reimbursement is to provide the Chief Executive Officer with a copy of receipted accounts in conjunction with an attached claim form.
- d) The Shire President and Councillors are to be paid travel costs for the use of private vehicles at the current rates ~~specified in the Local Government Industry Award 2010~~ as adopted by Council at the meeting held 3 February, 2006 for any travel to and from Council whilst attending any of the following:
  - i. Council meetings (ordinary and special)
  - ii. Meetings of Council appointed committees in the capacity of a member of that Committee
  - iii. Annual and Special Meetings of Electors
  - iv. Officially called Civic Receptions
  - v. Visits by Ministers of the Crown
  - vi. Council authorised meetings with Government agencies
  - vii. Other Council called meetings of Councillors and staff

Any Councillor seeking reimbursement is to provide the Chief Executive Officer with a formal claim form, which includes a declaration to the effect that the travel expenses were incurred.

Where possible Councillors shall use Council owned vehicles for travel rather than utilise privately owned vehicles.

1. The Shire President and Councillors are to be reimbursed for travel costs and accommodation expenses for attending any conference or seminar as Council's authorised representative, e.g. Country Shires C Authority Western Australian Local Government Association (WALGA) Annual Conference, Seminars, etc.
  2. It is Council policy to decline requests from Councillors for the reimbursement of any other expenses other than those mentioned above and approved expenses incurred in attending conferences, seminars and training courses.
-

3. The Shire President and the Deputy Shire President are~~is~~ to receive an annual allowance as determined annually by Council.
4. It is Council's policy to review the fees and allowances annually at the May Council meeting for inclusion in the following year's budget.

**Legislation**

*Local Government Act 1995* Part 5 Division 8 - Fees, expenses and allowances



### 9.2.5 ACCEPTANCE OF 2012-2013 ANNUAL REPORT

**File Ref:** FIN-5-2  
**Attachments:** [Annual Report 20122013.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Tina Wilson  
Coordinator Administration Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To present the 2012-2013 Annual Report to Council

### BACKGROUND

The Annual Report is included under separate cover.

### COMMNTS/OPTIONS/DISCUSSIONS

Under the Local Government Act it is necessary to produce an Annual Report and to conduct an Annual Electors Meeting. The Annual Electors Meeting will be advertised in accordance with Local Government Act 1995.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 2 - Council meetings, committees and their meetings and electors' meetings) (Subdivision 4 - Electors' meetings) 5.27. Electors' general meetings (pg 145)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.53. Annual reports (pg 159)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.54. Acceptance of annual reports (pg 160)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.55. Notice of annual reports (pg 160)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.56. Planning for the future (pg 160)

### 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.

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council accept the 2012/2013 Annual report as presented.**

**9.2.6 AFFIXING COMMON SEAL TO THE SECURITY SERVICES AGREEMENT -  
MSS SECURITY PTY LTD**

**File Ref:** FAC-1-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Dawn Brown  
DCEO Directorate Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Security Services Agreement between the Shire of East Pilbara and MSS Security with respect to the provision of screening services at the Newman Airport.

**BACKGROUND**

At the Council meeting held on the 27<sup>th</sup> September, 2013, Council resolved (Resolution: 201314/108) to engage MSS Security for a period of one year for the provision of screening services during scheduled and non scheduled operating hours.

**COMMENTS/OPTIONS/DISCUSSIONS**

This Security Services Agreement will commence on the 1<sup>st</sup> May, 2014 and will expire on the 30<sup>th</sup> April, 2015.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**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)** \_\_\_\_\_

**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.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the affixing of the Common Seal to the Security Services Agreement between the Shire of East Pilbara and MSS Security with respect to the provision of screening services at the Newman Airport.**

### 9.2.7 DELEGATION AMENDMENTS

**File Ref:** LEG-2-1  
**Attachments:** [Delegation Amendments.docx](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Tina Wilson  
Coordinator Administration Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

### REPORT PURPOSE

The purpose of this report is to consider a number of amendments to current delegations to include additional officers.

### BACKGROUND

The following table lists the required changes for the Delegation Manual;

DELEGATION	CHANGES
5.24 Agreement as to Payment of Rates and Service Charges	Add Coordinator Financial Services
3.1 Bush Fires Act 1954 – Appointment of Bush Fire Control Officers	Add Manager Community Safety
3.2 Caravan Parks and Camping Grounds Act 1995 - Appointments	Add Manager Community Safety Add Director Technical and Development Services
3.3 Cat Act 2011 – Appointments	Add Manager Community Safety
3.4 Control of Vehicles (Off Road Areas) Act 1978	Add Manager Community Safety
3.5 Dog Act 1976 – Appointments	Manager Community Safety
5.15 Legal Matters	Manager Community Safety – Remove Coordinator Ranger and Emergency Services
5.46 Recovery of Impounding Expenses	Manager Community Safety
5.81 Bush Fires Act 1954 – Prosecution	Manager Community Safety Change Delegations From and To to Authorisation From and Authorisation To.
5.82 Cat Act 2011 – Delegations	Manager Community Safety+ Change Delegations From and To to Authorisation From and Authorisation To
5.87 Disposing of Confiscated or Uncollected Goods	Manager Community Safety
5.89 Entry to Property	Manager Community Safety
5.93 Impounded Non-Perishable Goods	Manager Community Safety
5.98 Notice to Collect Goods if Not Confiscated	Manager Community Safety

### COMMENTS/OPTIONS/DISCUSSIONS

The amended delegations will reflect up to date information and include relevant staff members.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

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

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

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

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the listed changes to the listed delegations.**

### 9.2.8 GST TREATMENT OF NEW RESIDENTIAL PREMISES

**File Ref:** FIN-23-7  
**Attachments:** [WALGA GST Advice.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 inform Council of the treatment of GST associated with the building of new residential premises and the effect this will have on an addition taxation bill as at 31 March 2013.

### BACKGROUND

Since the inception of GST in 2000 residential premises have been treated by the GST legislation as input taxed i.e. GST paid in regard to residential cost cannot be claimed back by Council and any income received is not subject to GST. This included the purchase and construction of premises for residential purposes.

Since that date there have been several updates to the GST legislation that particularly deal with residential premises.

### COMMENTS/OPTIONS/DISCUSSIONS

On the 23<sup>rd</sup> September 2011 Treasury amended the GST Act to provide that supplies of newly constructed residential premises were taxable supplies. This meant the GST could be claimed back on these premises. The finance department therefore made changes to the finance system to allow for this change in legislation.

Recently it has been discovered that our interpretation was not correct and GST should not have been claimed for these expenses. Although the GST Act made changes to allow for newly constructed residential premises to become taxable supplies this is only relevant to properties that were to be on sold. Advice from the WALGA Tax Service is attached that reiterates this interpretation.

This means that for any premises constructed by the Shire for residential purposes from October 2011 through to June 2013 will need to have the tax claim revised and payment for any tax claimed will need to be repaid to the tax office. This will result in an additional tax bill of \$246,852.75 from municipal funds. There will also be an adjustment for three residential premises built at the airport last year totalling an additional \$131,933.29 tax liability. These amounts will be allowed for in the budget review in March and reported to Council

This legislation also meant that where there is a house or part of the house which is used for business purposes there needs to be an apportionment of the value of the supply between the taxable portion (the portion used for business) and the input taxed portion (the residential accommodation portion). This will apply to a portion of the new Art Gallery where a caretakers dwelling is being incorporated into the building.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

A New Tax System (Goods and Services Tax) Act (1999)

### **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**

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

### **VOTING REQUIREMENTS**

Absolute.

### **OFFICER'S RECOMMENDATION**

**THAT Council receive the information of the additional taxation liability owing to the review of the GST treatment on new residential premises and that any financial implications will be allowed for through the budget review process in March.**



**9.2.9 AFFIXING COMMON SEAL TO BHP BILLITON IRON ORE PTY LTD  
COMMUNITY DEVELOPMENT PROJECT CONTRACT - MINDARRA  
REVITALISATION**

**File Ref:** FIN-4-3  
**Attachments:** [BHPBIO CDPC - Mindarra Project.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

---

**REPORT PURPOSE**

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the BHP Billiton Iron Ore Community Development Project Contract for the Mindarra Revitalisation project.

**BACKGROUND**

BHP Billiton Iron Ore's "The Newman Tomorrow Partnership" supports the Shire of East Pilbara to implement the Newman Tomorrow (2008) Strategic Plan and the revised 2012 edition, the Newman Tomorrow documents consist of a range of projects and initiatives for the town site and community of Newman.

Project works to be undertaken under this Community Development Project Contract include landscape works and street furniture to be installed along Mindarra Drive to provide improved facilities, green spaces, activity areas and beautification.

**COMMENTS/OPTIONS/DISCUSSIONS**

The commencement date of this Contract was 19<sup>th</sup> December, 2013 and the completion date is 30<sup>th</sup> June, 2014. The funding amount under this Contract is \$554,568.14 (GST exc).

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**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:**

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

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

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

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law

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

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

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:**               **Item 9.1.3**

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

**Objective**

To allow for the proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

3.3.1   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 endorse the affixing of the Common Seal to the BHP Billiton Iron Ore Community Development Project Contract for the Mindarra Revitalisation Project, being landscape works and street furniture to be installed along Mindarra Drive to provide improved facilities, green spaces, activity areas and beautification.**

#### 9.2.10 AFFIXING COMMON SEAL TO PANNA RIDERS CLUB INC. LEASE

Attachments:	<a href="#">Lease agreement</a>
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 approval to formalise a lease agreement between the Shire of East Pilbara and Panna Riders Club Inc. for portion of Lot 702, (previously Lot 300), Reserve 41654 North Newman Reserve.

#### BACKGROUND

The Panna Riders Club Inc. held a Special Meeting on the 13<sup>th</sup> December, 2013 to discuss the Draft Lease and it was agreed by all Committee Members and attending members that they were in agreement with the terms and conditions that made up the Draft Lease document and wished to proceed with formalising the Lease arrangements.

#### COMMENTS/OPTIONS/DISCUSSIONS

The Shire of Eat Pilbara is seeking approval to enter into a new Lease agreement with Panna Riders Club Inc. for portion of Lot 702 (previously 300) of Reserve 46541, known as North Newman Reserve, with the following details of Lease:

- Term of 10 years, commencing on the 1<sup>st</sup> January, 2014 and expiring on 31<sup>st</sup> December, 2023;
- Option period of 5 years, commencing on 1<sup>st</sup> January, 2024 and expiring on 31<sup>st</sup> December, 2028;
- Maintenance is the responsibility of the Lessee for the property and buildings;
- Peppercorn Rent;
- Utilities – Lessee is responsible for all outgoing fees and charges;
- Insurance – Lessee is responsible for all insurance;
- Annual Service Fee applies as per Council Fees and Charges;
- Lease – No cost to Council for the preparation, documentation and registration of the Lease;
- The Club is to provide to Council annually their Committee Details, Certificates of Currency for their Public Liability Insurance and Building Insurance, during the term of their Lease.

The approval of the Minister of Lands is required under the Management Order, prior to any Lease being entered into.

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Disposal of Land, Section 3.58 of the Local Government Act 1995 requires advertising of the Shire's intent to dispose of portion of Reserve 41654.

## **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**

##### **2.1.1 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**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Approve the Lease between the Shire of East Pilbara and Panna Riders Club Inc. for portion of Lot 702 (previously 300) Reserve 45641, North Newman Reserve with the following conditions:**
  - **The Lease term to be 10 years, commencing on the 1<sup>st</sup> January, 2014 with a further 5 year option;**
  - **The Lessee will be responsible for all outgoing charges, including utilities, maintenance and insurances;**
  - **There is no cost to Council for the preparation, documentation and registration of the Lease;**
  - **Peppercorn rent;**
  - **Annual Service Fee applies as per Council Fees and Charges;**
  - **Approval to affix the common seal to the Lease agreement between the Shire of East Pilbara and Panna Riders Club Inc. upon approval from the Minister of Lands.**

**9.2.11 AFFIXING COMMON SEAL TO THE FORMAL INSTRUMENT OF  
AGREEMENT - MCGRATH HOMES - SUPPLY & DELIVERY OF SIX  
AIRPORT HOMES**

**File Ref:** FAC-23-10  
**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 advise Council that the Common Seal has been affixed under delegated authority to the Formal Instrument of Agreement between the Shire of East Pilbara and Pivot Way Pty Ltd (T/As McGrath Homes) with respect to the supply and delivery of six airport homes.

**BACKGROUND**

At the Council meeting held on the 25<sup>th</sup> October, 2013, Council resolved (Resolution: 201314/132) to award the Tender 01-2013/14 (Staff Housing Newman Airport) to the successful Tenderer, McGrath Homes, and as such the Formal Instrument of Agreement has now been prepared for signing by both parties.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Formal Instrument of Agreement documents that McGrath Homes is to perform the work for the design and construction of six (6) Airport Staff Housing buildings to be delivered/installed at the Newman Airport, Great Northern Highway, Newman for the price of \$1,994,626.40 (gst exc).

The project/task time line included in the Formal Instrument of Agreement shows that Project Handover is to be on Wednesday, 16<sup>th</sup> April, 2014.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**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:**

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

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

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

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law

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

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

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

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

**Objective**

To allow for the proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

3.3 Provide adequate community infrastructure

3.3.3 Provide infrastructure to support economic development

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 endorse the affixing of the Common Seal to the Formal Instrument of Agreement between the Shire of East Pilbara and Pivot Way Pty Ltd (T/As McGrath Homes) with respect to the supply and delivery of six airport homes.**

**9.2.12 AFFIXING COMMON SEAL TO THE MEGARA CONSTRUCTIONS PTY LTD  
SUB LEASE (PART OF LOT 600)**

**File Ref:** 701993  
**Attachments:** [Megara Signed copy](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services  
**Location/Address:** Reserve 41654 - Les Tutt Drive, Newman  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

---

**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Sub Lease between the Shire of East Pilbara and Megara Constructions Pty Ltd with respect to sub leased premises on part of Lot 600 on Deposited Plan 71690 for the purpose of a construction fly camp providing accommodation for tenant personnel.

**BACKGROUND**

The Sub Lease between the Shire of East Pilbara and Megara Constructions is for a period of two years, commencing on the 1<sup>st</sup> July, 2013 and expiring on the 30<sup>th</sup> June, 2015. There are two successive options to renew:

- a) The first for a further term of 2 years commencing on the 1<sup>st</sup> July, 2015; and
- b) The second for a further term of 1 year commencing on the 1<sup>st</sup> July, 2017.

The Sub Lease is for a portion of Lot 600 on Deposited Plan 71690 that has an area of 3,300m<sup>2</sup>.

The rent will be \$50 per m<sup>2</sup> per year (plus gst) payable 6 monthly in advance, with a rent review to take place on the 1<sup>st</sup> March each year.

There is also an additional payment of \$25,000 payable on execution of the sub lease document, together with an amount equal to 25% of all Accommodation Camp Revenue payable monthly in arrears within 5 business days after the end of each month.

**COMMENTS/OPTIONS/DISCUSSIONS**

At the Council meeting held on the 8<sup>th</sup> February, 2013, Resolution 201213/291, Council approved:

THAT Council

1. Amends Condition 1(b) of Planning Approval application P085/12 of resolution number 201112/322 of the ordinary meeting held on 22 June 2012 to read as follows:

Approval is valid for a period of five (5) years with the dates being consistent with those dates agreed to in the formal lease documents between the Shire of East Pilbara and State Land Services. The approved camp(s) and any further addition(s) approved by Council or under delegation by Shire Officer's shall be removed and the land remediated on or before the end date of the said five (5) year term.

2. Approves the proposed expansion for an additional 40 person camp for the purposes of a Town Building Construction Fly Camp on Lot 600 subject to the following conditions:
  - a. Development shall be in accordance with the approved plan(s) unless conditioned otherwise;
  - b. Approval is valid for a period of five (5) years with the dates being consistent with those dates agreed to in the formal lease documents between the Shire of East Pilbara and State Land Services. The approved camp(s) and any further addition(s) approved by Council or under delegation by Shire Officer's shall be removed and the land remediated on or before the end date of the said five (5) year term;
  - c. The applicant is to advise Shire Building, Health and Planning staff once the buildings are deemed habitable by the applicant for inspection prior to occupation of such buildings;
  - d. The applicant shall be responsible for the connection of the proposed camp to Water, Power and Sewer services and where such services cannot be connected, alternate arrangements being made to the satisfaction of the Shire of East Pilbara.
  - e. The proposed camp development shall be reasonably screened from view where such development fronts Les Tutt Drive. Screening to be to the satisfaction of the Manager Development Services – Planning.;
  - f. The applicant shall implement a Management Plan to the satisfaction of the Manager Development Services – Planning prior to the occupation of the proposed buildings and such plan shall include but not be limited to:
    - i. Management;
    - ii. Education;
    - iii. Noise;
    - iv. Rubbish;
    - v. Visitors;
    - vi. Vehicles; and
    - vii. Dealing with complaints.
  - g. All waste generated from the operation of such camp shall be appropriately contained on site and arrangements being made for the removal of such waste at least once per week of operation;
  - h. The proposed camp expansion development is limited to a maximum of 40 persons at any one time as outlined in the applicants submission;

- i. The proposed camp is for the exclusive use of those workers employed and/or contracted to Megara Developments for the purposes of constructing housing projects within the Newman Townsite;
- j. All building works shall comply with all legislative requirements and the applicant is responsible to ensure that the necessary Building approvals are in place prior to construction and occupancy.
- k. Upon completion of the lease arrangements required by State Land Services and the Shire of East Pilbara, the applicant shall enter into a lease for the subject area upon which the camp is located. Where the applicant fails to enter into such lease and/or is found to be in breach of such lease, the development approval shall become invalid.

**Advice Note:**

The decision not to permit occupation of any room(s) in the camp(s) by a person or persons not employed or contracted by Megara Developments is based on the reasons that further consideration is needed to be undertaken by Council and that the Shire is yet to enter into a lease for the land with State Land Services and approval to occupy by non-Megara workers may be contrary to proposed lease conditions.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**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)** \_\_\_\_\_

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

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

**Objective**

To allow for the proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

3.3 Provide adequate community infrastructure

3.3.3 Provide infrastructure to support economic development

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 endorse the affixing of the Common Seal to the Sub Lease between the Shire of East Pilbara and Megara Constructions Pty Ltd with respect to sub leased premises on part of Lot 600 on Deposited Plan 71690 for the purpose of a construction fly camp providing accommodation for tenant personnel.**

**9.2.13 AFFIXING COMMON SEAL TO THE NICHE LIVING CONSTRUCTION SUB  
LEASE (PART OF LOT 600)**

**File Ref:** A701993  
**Attachments:** [Niche Living lease](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services  
**Location/Address:** Reserve 41654 – Les Tutt Drive, Newman  
**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 Sub Lease between the Shire of East Pilbara and Niche Living Construction with respect to sub leased premises on part of Lot 600 on Deposited Plan 71690 for the purpose of a construction fly camp providing accommodation for tenant personnel.

**BACKGROUND**

The Sub Lease between the Shire of East Pilbara and Niche Living Construction is for a period of one year and ten months, commencing on the 1<sup>st</sup> September, 2013 and expiring on the 30<sup>th</sup> June, 2015. There are two successive options to renew:

- a) The first for a further term of two years commencing 1<sup>st</sup> July, 2015; and
- b) The second for a further term of one year commencing 1<sup>st</sup> July, 2017.

The Sub Lease is for a portion of Lot 600 on Deposited Plan 71690 that has an area of 3,638.9m<sup>2</sup>.

The rent will be \$50 per m<sup>2</sup> per year payable 6 monthly in advance, with a rent review to take place on the 1<sup>st</sup> March each year.

There is also an additional payment of \$25,000 payable on execution of the sub lease document, together with an amount equal to 25% of all Accommodation Camp Revenue payable monthly in arrears within 5 business days after the end of each month.

**COMMENTS/OPTIONS/DISCUSSIONS**

There is a Head Lease between the State of Western Australia acting through the Minister for Lands and the Shire of East Pilbara with respect to Lot 600.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**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)** \_\_\_\_\_

**4.5 EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

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

**Objective**

To allow for the proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

- 3.3 Provide adequate community infrastructure
- 3.3.3 Provide infrastructure to support economic development
  - 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 endorse the affixing of the Common Seal to the Sub Lease between the Shire of East Pilbara and Niche Living Construction with respect to sub leased premises on part of Lot 600 on Deposited Plan 71690 for the purpose of a construction fly camp providing accommodation for tenant personnel.**



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

**File Ref:** ORG-12-1

**Attachments:** [Memorandum Of Understanding NCRC & SOEP  
JAN 14.doc](#)

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

**Author:** Ms Susan Michoff  
Manager Community Wellbeing

**Location/Address:** Nullagine

**Name of Applicant:** Nullagine Community Resource Centre

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval of the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the updated Nullagine Community Resource Centre Memorandum of Understanding and Funding Agreement for the provision of library services for an amount of \$40 000 + GST of \$4000 for a total amount of \$44 000.

**BACKGROUND**

On the 25<sup>th</sup> October 2013, at The Shire of East Pilbara ordinary council meeting, council, Item 11.2.4 was tabled to affix the common seal to the Memorandum of Understanding and Funding Agreement between the Nullagine Community Resource Centre and The Shire of East Pilbara. Item 11.2.4 was moved at the meeting.

Through implementation of the agreement and subsequent meetings of The Shire of East Pilbara and the Nullagine Community Resource Centre representatives it has become apparent that the initial Memorandum of Understanding requires further clarification in relation to each parties responsibility within the agreement.

**COMMENTS/OPTIONS/DISCUSSIONS**

The current Memorandum of Understanding and Funding Agreement between The Shire of East Pilbara and the Nullagine Community Resource Centre does not fully detail each parties key responsibilities and accountabilities with the required clarity to fulfil each parties obligations.

After a joint review of the current Memorandum of Understanding the following key items are recommended for updating and a new Memorandum of Understanding, which will address these key issues, has been created for approval:

Payment and Reporting – Key dates and milestones have been added:

**Payment and Reporting Schedule**

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	<i>Annual Dates</i>	<i>Monthly Activity Reports Due for submission to SOEP</i>	<i>Quarterly Payment Released by SOEP</i>	<i>Quarterly Reconciliation Due for submission to SOEP</i>
<i>1<sup>st</sup> Quarter</i>	<i>01/11/2013 – 31/01/2014</i>	<i>10<sup>th</sup> December 2014 10<sup>th</sup> January 2014 10<sup>th</sup> February 2014</i>	<i>15th November 2013</i>	<i>31st February 2014</i>
<i>2<sup>nd</sup> Quarter</i>	<i>1/02/2014 – 30/04/2014</i>	<i>10<sup>th</sup> March 2013 10<sup>th</sup> April 2013 10<sup>th</sup> May 2014</i>	<i>15th February</i>	<i>31st May 2014</i>
<i>3rd Quarter</i>	<i>1/5/2014 – 31/7/2014</i>	<i>10<sup>th</sup> June 2014 10<sup>th</sup> July 2014 10<sup>th</sup> August 2014</i>	<i>15th May</i>	<i>31<sup>st</sup> August 2014</i>
<i>4<sup>th</sup> Quarter</i>	<i>1/8/2014 – 31/10/2014</i>	<i>10<sup>th</sup> September 2014 10<sup>th</sup> October 2014 10<sup>th</sup> November 2014</i>	<i>15th August</i>	<i>31st November 2014</i>

Assets – Ownership of Assets in the original agreement was not outlined. There was uncertainty about which party would own any assets purchased throughout the duration of the agreement.

External Funding – There were no guidelines for the attainment of external funding to develop the library service.

Income – There were no guidelines for the use of any income generated by the Nullagine Public Library or how income would be distributed between the parties at the conclusion of the agreement.

Building – The Nullagine Public Library is operated from a Shire of East Pilbara building. Clarification on building maintenance services is required.

Operational Costs – The current Memorandum of Understanding indicates the Nullagine Community Resource Centre as responsible for all operation and costs of the Nullagine Public Library, however The Shire Of East Pilbara has allocated funding to contribute to the operational costs, such as IT, telephone, training and minor equipment.

Terms of the Agreement: have been refined to more accurately define the duties of the Nullagine Public Library.

Dispute Resolution: There are currently no guidelines for dispute resolution.

Council can approve or not approve the request to apply the Common Seal to the Nullagine Community Resource Centres Memorandum of Understanding and Funding Agreement.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

### **4.5 EXECUTION OF DOCUMENTS**

Minute No: Item 9.1.3

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

Objective

To allow for the proper execution of documents

Policy

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

**STRATEGIC COMMUNITY PLAN**

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

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the application of the common seal of the Shire of East Pilbara to the updated Nullagine Community Resource Centre Memorandum of Understanding and Funding Agreement for the provision of Public Library services for an amount of \$40,000 + GST of \$4,000 for a total amount of \$44,000 for a one year period.**

**9.2.15 AFFIXING THE COMMON SEAL TO THE MEMORANDUM OF  
UNDERSTANDING BETWEEN THE NEWMAN VISITOR CENTRE  
INCORPORATED AND THE SHIRE OF EAST PILBARA**

**File Ref:** ORG-12-9-19

**Attachments:** [Memorandum Of Understanding NVC & SOEP  
JAN 14.doc](#)

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

**Author:** Ms Susan Michoff  
Manager Community Wellbeing

**Location/Address:** Newman

**Name of Applicant:** Newman Visitor Centre Incorporated

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval of the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Newman Visitor Centre Memorandum of Understanding and Funding Agreement for the provision of library services for an amount of \$81,818 + GST of \$8,182 for a total amount of \$90,000.

**BACKGROUND**

The Shire of East Pilbara had a previous Memorandum of Understanding and Funding Agreement with the Newman Visitors Centre, which officially expired on the 30<sup>th</sup> June 2013. Within this agreement there was a clause to automatically renew the contract for a period of one year. Conditions and terms of the expired Memorandum of Understanding and Funding Agreement have been honoured whilst a review of the document was undertaken by both parties.

**COMMENTS/OPTIONS/DISCUSSIONS**

Throughout the term of the previous expired Memorandum of Understanding and Funding Agreement there were reported difficulties with reporting. The reporting schedule and expectations were not clearly articulated and due to this both parties found using the Memorandum of Understanding difficult.

At the expiry of the 2012-2013 Memorandum of Understanding both parties engaged, through a series of meetings, to better understand the requirements of each party and to devise a new Memorandum of Understanding for the current financial year.

On joint review of the expired document the following areas of the document have been updated:

The purpose of the agreement has been altered to reflect the overall objectives of the partnership:

*The Newman Visitor Centre Inc. and the Shire of East Pilbara hereby agree to work together to:*

- *Promote the Newman/ East Pilbara region as a tourist destination*
- *Provide visitor and new resident services, information and attractions,*
- *Identify ways to continue to develop the range of services that can be provided by the Newman Visitor Centre*
- *Facilitate the development of proposals for projects between the two organizations, including exploring possibilities for grants and other forms of funding*
- *Progress the relevant strategic directions of SOEP's Economic Development and Tourism Strategy 2012-2015 and the SOEP Arts and Cultural Strategy 2011-2015*

*The nature of the collaboration has been further defined:*

***Under the terms of this agreement Newman Visitor Centre Inc will:***

- a) *Operate a Visitor Centre at Lot 1419 Newman Drive, NEWMAN with the minimum operating hours:  
Monday – Friday 8:30am to 4:30pm, Closed Weekends – Winter Hours  
Monday – Sunday 8.30am - 4:30pm, Closed Weekends – Summer Hours*
- b) *Welcome visitors to Shire of East Pilbara with excellent customer service and comfortable premises*
- c) *Create a positive impression through comprehensive advice on the facilities and services available within the Shire of East Pilbara and surrounds*
- d) *Encourage visitors to stay longer by providing information about things to see and do in the East Pilbara and surrounds*
- d) *To provide a high quality and professional information service to visitors, intended visitors and new residents to the Shire of East Pilbara through the following services:*
  - 1. *Information on accommodation properties and car hire;*
  - 2. *Accommodation and tour booking services;*
  - 3. *Maps and directions for the local area;*
  - 4. *Information on nearby National Parks and wildlife;*
  - 5. *Information on road conditions and advice on where to locate up to date road condition reports;*
  - 6. *Information on local facilities and amenities, such as medical services, service stations, food outlets, supermarkets, public transport, government agencies etc;*
  - 7. *Information on events, functions and attractions within the region;*
  - 8. *Promote and build strong relationships with local businesses;*
  - 9. *Retail merchandise, souvenirs, local arts and crafts;*
  - 10. *Maintain the NVC website*
  - 11. *Act as a booking agent for Golden Eagle Mail Plane servicing the remote communities in the Pilbara;*  
*Act as a booking agent for Integrity Coachlines and Greyhounds Buses; and*
  - 12. *Facilitate the Mt Whaleback Mine Tour in conjunction with BHP Billiton Iron Ore.*
- e) *Increase support for tourism in the town through raising awareness of the tourism industry's direct and indirect benefits*
- g) *To operate within the terms and conditions of the Constitution of the Newman Visitors Centre Inc.*
- h) *To ensure the Shire of East Pilbara is accorded full paid membership status of the NVC.*
- i) *Provide reports in line with the reporting schedule.*
- j) *Supply a copy of the Annual budget (financial year) for the association, with indication given to how the SOEP funding is allocated.*

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

- a) *Provide funding of \$90,000 p.a. to the Newman Visitor Centre Inc. payable in (quarterly) instalments via electronic funds transfer.*
- b) *Maintain a Tourism Policy and Strategic Plan that will guide the development of tourism within the East Pilbara.*
- c) *Support marketing opportunities identified through the Newman Visitor Centre Inc.*

**A Payment and Reporting Schedule has been developed:**

	<i>Annual Dates</i>	<i>Monthly Activity Reports Due for submission to SOEP</i>	<i>Quarterly Payment Released by SOEP</i>	<i>Quarterly Reconciliation Due for submission to SOEP</i>
<i>1<sup>st</sup> Quarter</i>	<i>01/07/2013 – 30/09/2013</i>	<i>10<sup>th</sup> August 2013 10<sup>th</sup> September 2013 10<sup>th</sup> October 2013</i>	<i>15th August 2013</i>	<i>31st October 2013</i>
<i>2<sup>nd</sup> Quarter</i>	<i>1/10/2013 – 31/12/2013</i>	<i>10<sup>th</sup> November 2013 10<sup>th</sup> December 2013 10<sup>th</sup> January 2014</i>	<i>15th November 2013</i>	<i>31st January 2014</i>
<i>3rd Quarter</i>	<i>1/1/2014 – 31/03/2014</i>	<i>10<sup>th</sup> February 2014 10<sup>th</sup> March 2014 10<sup>th</sup> April 2014</i>	<i>15th February 2014</i>	<i>30th April 2014</i>
<i>4<sup>th</sup> Quarter</i>	<i>1/4/2014 – 30/06/2014</i>	<i>10<sup>th</sup> May 2014 10<sup>th</sup> June 2014 10<sup>th</sup> July 2014</i>	<i>15th May 2014</i>	<i>31st July 2014</i>

**A Dispute Resolution Clause has been added:**

*Both parties will do their best to honour the terms and spirit of the agreement. However the parties agree that any dispute arising during the course of this Agreement will be dealt with as follows:*

- (a) First, the party claiming that there is a dispute will send to the other a notice setting out the nature of the dispute;*
  - (b) Secondly, the parties will try to resolve the dispute by direct negotiation, including by referring the matter to persons who may have authority to intervene and direct some form of resolution*
  - (c) Thirdly, the parties have 10 business days from the sending of the notice to reach a resolution or to agree that the dispute will be submitted to mediation or some other form of alternative dispute resolution procedure; and*
  - (d) Lastly,*
    - (i) if there is no resolution or agreement; or*
    - (ii) there is a submission to mediation but there is no resolution within 15 business days of the submission, or such extended time as the parties may agree in writing before the expiration of the 15 business days;*
- Either party may terminate the agreement immediately by notifying the other party in writing.*

Council can approve or not approve the request to apply the Common Seal to the Newman Visitor Centre Incorporated Memorandum of Understanding.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

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

**STRATEGIC COMMUNITY PLAN**

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

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

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. Expenditure associated with this MOU agreement will be costed the existing general ledger 131011 Newman Tourist Bureau Support.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the application of the common seal of the Shire of East Pilbara to the updated Newman Visitor Centre Incorporated Memorandum of Understanding and Funding Agreement for the provision of Public Library services for an amount of \$81,818 + GST of \$8,182 for a total amount of \$90,000 for a one year period.**

**9.2.16 TENDER RFT 14-2013/2014 CONSTRUCTION OF A SPORTS STORAGE  
SHED AT BOOMERANG OVAL**

**Attachments:** [Confidential](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Glenn Britton  
Manager Building Assets  
**Location/Address:** Boomerang Oval  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider tenders for the construction of a sports storage shed at Boomerang Oval in Newman.

**BACKGROUND**

Based on the perceived needs of Touch football and soccer, the Council within the 2013/14 budget, endorsed construction of a sports shed at Boomerang Oval.

The Shire of East Pilbara engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for RFT 14-2013/2014 - Construction of a Sports Storage Shed at Boomerang Oval, Newman, Western Australia.

The tender was advertised in the West Australian and The North West Telegraph on Wednesday 20 November 2013 and on the WALGA TenderLink Portal, Shire Website and Noticeboards.

The tender period closed on the 12 December 2013 with 2 tender submission received for evaluation.

Tender submissions were received from the following 2 organisations:

CPD Group Pty Ltd  
Delmere Holdings Pty Ltd ATF The DTMT Unit - Trust Trading As DTMT  
Construction Company

**COMMENTS/OPTIONS/DISCUSSIONS**

Funding for this project has been allocated through the Shire capital work budgetary process.

Tenders have been received for this project however; there has been a significant change in the local demand for this facility. The Touch Football group have moved from Boomerang to Capricorn Oval due to popularity and the soccer usage is not as high as initially considered.



It is therefore recommended that all tenders be deferred and the sporting demand and requirements be further considered.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.57. Tenders for providing goods or services (pg 70).

### **POLICY IMPLICATIONS**

#### **10.12 PURCHASING AND TENDER PROCEDURES**

### **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

###### **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**

###### **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.

##### **3.3 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**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council reject all tenders for RFT 14-2013/2014 Construction of a Sports Storage Shed at Boomerang Oval.**

**9.2.17 TENDER RFT 16-2013/2014 MOONDOOROW HOUSING PROJECT -  
SEWER REALIGNMENT**

**Attachments:** [Confidential](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Glenn Britton  
Manager Building Assets  
**Location/Address:** Moondoorow Housing Project Site  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider tenders for construction of the Moondoorow Housing Project; Moondoorow Street in the 2013/14 adopted budget.

**BACKGROUND**

The Shire of East Pilbara engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for RFT 16\_2013\_2014 Sewer Main Diversion Works - Lot 1326 Moondoorow Street, Newman, Western Australia.

The tender was advertised in the West Australian and The North West Telegraph on 7 December 2013 and on the WALGA TenderLink Portal, Shire Website and Noticeboards.

The tender period closed on the 7 January 2014 with 1 tender submission received for evaluation.

Tender submissions were received from the following organisations:

Tru-line Excavations and Plumbing Pty Ltd.

**COMMENTS/OPTIONS/DISCUSSIONS**

Funding for this project has been provided by CLGF PRC, CLGF LG and BHP for GP Housing.

Once the sewer realignment has been completed approval for the lot and land title should be provided which will enable design of the project to be completed followed by a tender for the works.

The submission through the evaluation process demonstrated understanding and capability to undertake all works and the detailed assessment is contained in the confidential report.

The assessment recommended that the most advantageous offers to Council was from Tru-line Excavations and Plumbing Pty Ltd.

The recommended tender for the project was within budget allocation which has left a surplus that can be allocated to other activity trail related projects later in the year.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.57. Tenders for providing goods or services (pg 70)

### **POLICY IMPLICATIONS**

#### **10.12 PURCHASING AND TENDER PROCEDURES**

### **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

#### **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
  - 2.1.2 Encourage active lifestyles

#### **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

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council;**

- 1. Award Tender RFT 16\_2013\_2014 to Tru-line Excavations and Plumbing Pty Ltd for the price of \$ 95,797.55 ex GST.**

**9.2.18 VARIATION TO FEES AND CHARGES FOR NEWMAN RECREATION CENTRE**

**File Ref:** FIN- 24-1  
**Attachments:** [New Membership Application Form 2013.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr John Weeks  
Co-ordinator Recreation Services  
**Location/Address:** Newman  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To include a price variation to the Newman Recreation and Fitness Centre Membership form.

**BACKGROUND**

The Department of Commerce completed an independent audit of the membership form of the Newman Recreation and Fitness Centre in November 2013. They were querying the existing membership and the fact that it did not comply with certain aspects of the current Consumer Protection Regulations. The existing form did not have the required membership cooling off period, to allow a membership contract to take effect, thus amendments were requested by the Department.

**COMMENTS/OPTIONS/DISCUSSIONS**

Council staff consulted Fitness Australia (the peak industry body for Fitness Centres) to seek advice on the implementation of a new membership contract as suggested by the Department of Commerce. Fitness Australia suggested the Newman Recreation and Fitness Centre should incorporate an administration fee within this new contract to reinforce the fact that new clients are entering into a legally binding contract with the Newman Recreation and Fitness Centre.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**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.

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**2.1 Health and recreation**

- 2.1.2 Encourage active lifestyles**  
Responsible officer: MCW  
Timing: 1-3 years

**FINANCIAL IMPLICATIONS**

A \$30 membership cancellation fee would be an additional source of revenue for the Centre. It is expected however, that this fee will not be charged often, as the new membership form is very comprehensive and clearly state the obligations of any new member taking up a membership.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Introduces a \$30 administration fee to any member that breaks their membership contract with the Newman Recreation and Fitness Centre.**
- 2. Impose the new fee effective from the 10<sup>th</sup> February 2014.**
- 3. Notice of the adopted fees be advertised pursuant to section 6.19 Local Government Act 1995.**

**9.2.19 VARIATION TO FEES AND CHARGES – TOWN PLANNING FEES**

**File Ref:** FIN-24-1  
**Responsible Officer:** Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Candice Porro  
Expenditure Finance Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To include price amendments to Town Planning Fees due to recent 6.25% increase by Department of Planning.

**BACKGROUND**

2013/14 Fees and Charges were adopted by Council in August 2013. Subsequently changes have been made within the Town Planning Development area.

**COMMENTS/OPTIONS/DISCUSSIONS**

Department of Planning approved an increase due to a recent review process following the 2010/11 financial year. A 6.25% increase - CPI rate for the past two years since fees were last amended.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. This will result in addition revenue.

**VOTING REQUIREMENTS**

Absolute.



**OFFICER'S RECOMMENDATION**

Shire Of East Pilbara Schedule of Fees & Charges 2012/2013	Need To Add GST ?	Fee/Charge Exclusive of GST \$	GST	Fee/Charge Inclusive of GST \$	Comments	Justification for F&C increase/decrease
<b>Town Planning Fees</b>						
<b>Development Applications</b>						
(a) Development Cost < \$50,000	No			147.00		Changed from 139
(f) Development Cost > \$21.5 million	No			34,196.00		Changed from 32,185
(g) Extractive Industry	No			739.00		Changed from 696
Development Application - Extractive Industry - where the development has commenced or been carried out	No	2,088.00	0.00	2,088.00	3x(g) development application fee	New Comment: The application fee as required by (g) above plus, by way of penalty, twice the fee.
<b>Home Business/Occupation Applications</b>						
(a) Initial application where the home business/occupation has not commenced	No			222.00		Changed from 209
(b) Initial application where the home business/occupation has already commenced	No			666.00	Fee is made up of the initial application fee required by (a) for Home Business/Occupations plus by way of penalty, twice that fee.	New Comment: Fee is made up of initial application fee required by (a) for Home Business/Occupations plus way of penalty, twice the fee.
(c) Renewal fee - where the application is made before the approval expires.	No			73.00		Changed from 63
(c) Renewal fee - where the application is made after the approval expires.	No			231.00	Fee is made up of the renewal fee required by (c) for Home Business/Occupations plus by way of penalty, twice that fee.	New Comment: Fee is made up of the renewal fee required by (c) for Home Business/Occupations plus by way of penalty, twice the fee.
<b>Application for Change of Use</b> or for alteration or change of a non-conforming use to which Development Application(s) items (a) to (g) do not apply.	No			295.00		Changed from 278
Unauthorised Change of use. If the change of use has commenced or been carried out	No			885.00	Fee is made up of the Application for Change of Use fee required above plus by way of penalty, twice that fee.	Changed from 834
<b>Provision of Subdivision Clearance -</b>						
(a) not more than 5 lots - fee per lot	No			73.00		Changed from 69
(b) 6-195 lots - fee per lot	No				\$73 per lot for the first 5 lots, and then \$35 per @ lot	Changed from 69
(c) more than 195 lots	No			7,393.00		Changed from 6959
<b>Miscellaneous</b>						
Issue of Zoning Certificate	No			73.00		Changed from 69
Replying to a property settlement questionnaire	No			73.00		New
Issue of written planning advice	No			73.00		Changed from 69

- 1. THAT Council set the above mentioned fees for Town Planning.**
- 2. Impose the fees effective from 14th February 2014.**
- 3. Provide notice of the adopted fees as advertised, pursuant to section 6.19 of the Local Government Act 1995.**

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**9.2.20 CREDITORS FOR PAYMENT**

**File Ref:** FIN-10-2  
**Attachments:** [Schedule of Account.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Candice Porro  
Expenditure Finance Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council endorsement of payment to creditors.

**BACKGROUND**

As per the attachment list, outlines payments made to creditors since the Council meeting on the 6th December 2013.

**COMMENTS/OPTIONS/DISCUSSIONS**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	21676-22503	
	<b>Total</b>	<b>\$6,616,369.28</b>
Cheque Payments	22464-22613	236,510.00
Written Chq Payments	121-131	79,285.56
	<b>Total</b>	<b>\$315,795.56</b>
	<b>GRAND TOTAL</b>	<b><u>\$6,932,164.84</u></b>

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

**CANCELLED AND UNUSED CHEQUES:**

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

**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 \$6,932,164.84

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	21676-22503	
	<b>Total</b>	<b>\$6,616,369.28</b>
Cheque Payments	22464-22613	236,510.00
Written Chq Payments	121-131	79,285.56
	<b>Total</b>	<b>\$315,795.56</b>
	<b>GRAND TOTAL</b>	<b><u>\$6,932,164.84</u></b>

**9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES**

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

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

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

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

**POLICY IMPLICATIONS**

Nil

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**STRATEGIC COMMUNITY PLAN**

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Director Technical and Development Services for December 2013 be received.**

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

**31 JANUARY, 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>
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Next stage to develop theme and seek funding.	In Progress
26 July 2013	13.1	SOLAR LIGHTS WALKWAY FROM MINESITE TO TOURIST CENTRE Cr Shane Carter asked if it was possible to get solar lights for the walk/cycle path from Minesite entrance to Newman Tourist Centre. Mr Allen Cooper replied Council will need to seek funding as the solar lights around radio hill cycle/walkway were funded through the Country Local Government Fund.	DTDS MTS-Newman	Some issues have arisen about company supplying lights and officers are currently investigating further and seeking new quotes.	In Progress
26 July 2013	13.2	CAPE KERAUDREN – WATER BORE Cr Lang Coppin asked if it was possible to access the bore on Pardoo Station and if the Shire can access and seek a licence from the State Government to use this bore. Cr Allen Cooper, Chief Executive Officer to follow up.	DTDS	CBS is project managing the installation of new bore.	In Progress
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	To be actioned once names received from Cr Danks	Pending



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

**31 JANUARY, 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	13.6	STREET NUMBERING MARBLE BAR Cr Stephen Kiernan asked what was happening in regards to the street numbering in Marble Bar.  Cr Dean Hatwell suggested reflective sticker numbers would suit and be held at the Marble Bar Office.	DTDS	Staff are investigating options and costing	In Progress
27 September 2013	13.2	REVIEW OF EMPLOYEE A MECHANIC Cr Dean Hatwell requested that a review be again undertaken for the employment of a Shire mechanic versus the use of external contractors.	DTDS MTS-R	A position of Service/Technician/ General Hand to be advertised for current vacant position.	In Progress
27 September 2013	13.5	CAMPING AT OPHTHALMIA DAM Cr Gerry Parsons asked did Council find out if people can camp at the dam and if it can be put back on the action list.  Mr Rick Miller, Director Technical and Development Services to follow up.	DTDS MDS-P MDS-H MCS	Staff to investigate and awaiting a response from BHP Billiton. It is confirmed that the area is signed 'No Camping' is on BHP land. To confirm how BHP police. Also does Council wish shire to be involved if BHP agree.	In Progress
6 December 2013	13.1	VEHICLES PARKED ON VERGES OF MAIN ROADS AND HIGHWAYS. Cr Anita Grace said at the Pilbara Regional Road Group 02/12/2013 each Council in the Pilbara was sent a letter regarding the powers of Local Government in relation to regulating parking on main roads and highways.  Copy of the letter to be given the Director Technical and Development Services to follow up.	DTDS	Letter received MCS will assess any impact on Ranger operations. Generally advising that Council can issue infringements under existing local laws. Letter has been read and noted by MCS. Gives us powers to clear obstructions and would generally be used where main roads run through the middle of a townsite.	Completed

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

**31 JANUARY, 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>
6 December 2013	13.2	NEWMAN BOULEVARDE SHOPPING CENTRE SMELL FROM DRAIN Cr Anita Grace said when it rains the outside drain smells especially near the Fire and Ice Takeaway and Subways.  Director Technical and Development Services to follow up.	DTDS MDS-H	Letter has been sent to shop centre owner	Completed
6 December 2013	13.3	NEWMAN BOULEVARDE SHOPPING CENTRE BRICK PATHS Cr Anita Grace said the brick paths right around the shopping centre and especially near Crawford Real Estate is uneven and who is responsible.  Director Technical and Development Services stated the Boulevard Shopping Centre is responsible and he will follow up.	DTDS MDS-H	Letter has been sent to shop centre owner	Completed
6 December 2013	13.4	NEWMAN BOULEVARDE SHOPPING CENTRE CARPARK FLOODING Cr Doug Stead has asked when it rains at the front entrance before Shopping Centre in the carpark pathway floods and is very dangerous to members of the public as they cannot get to the shopping centre entrance.  Director Technical and Development Services to follow up.	DTDS MDS-H	Letter has been sent to shop centre owner	Completed
6 December 2013	13.5	NEWMAN BOULEVARDE SHOPPING CENTRE PUBLIC TOILETS Cr Bidy Schill has asked if a letter can be written to owners of the Newman Boulevard Shopping Centre regarding putting an extraction fan in the toilets.  Director Technical and Development Services to	DTDS MDS-H	Letter has been sent to shop centre owners	Completed

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

**31 JANUARY, 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>
		follow up.			
6 December 2013	13.7	<p><b>MINERS PARK VANDALISM</b> Cr Shane Carter asked if the Shire could notify the police to patrol more frequently around the Miners Park area as it is vandalised every day with fencing pulled down, trees/plants pulled out playground equipment destroyed and reticulation damaged so the lawn is dying. Also what about having extra CCTV in this area and hopefully catch the people responsible?</p> <p>Director Technical and Development Services to follow up.</p>	DTDS MCS	<p>MCS will assess existing CCTV coverage and engage with police to address current problems. A complete review will be undertaken with all stakeholders to develop strategy to reduce vandalism in this area.</p>	Completed

**9.3.2 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDERS  
FOR THE PERIOD TO 14 MARCH 2014**

**File Ref:** LEG-13-1  
**Responsible Officer:** Mr Allen Cooper – Chief Executive Officer  
**Author:** Mr Rick Miller  
Director Technical & Development Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

To request Council to delegate authority to the CEO to award tenders for the period up to the next Ordinary Council meeting to be held on 14 March 2014. This is to allow projects that have tight timelines related to grants and acquittals to be progressed to minimise the risk of losing grant funding and to deliver the works program.

**BACKGROUND**

Shire officers have reviewed the adopted budget and noted that several approved projects are linked to external funding and have certain timeframes for works to be completed and acquitted. With funding becoming more and more difficult to obtain, funding bodies are also tightening up on acquittal timelines and in some cases money allocated is being withdrawn, if projects run over the agreed time. To minimise the risk of this occurring with shire projects, staff have selected three projects that are likely to be tendered and could be awarded before 14 March 2014 to assist in meeting the acquittal and delivery deadlines.

**COMMENTS/OPTIONS/DISCUSSIONS**

It will be recommended that the CEO (or in the absence of the CEO, the Acting CEO) be delegated authority to award tenders for the following projects up to the nominated values

Description	Funding Provider	Expenditure Account	Budget Amount (Ex GST)
RFT 18_2013/2014: Boomerang Oval Playground and Dog Agility Equipment and landscaping	Grant	119080	\$900,000
RFT 07_2013/2014: Relocate Recycled Reuse Main – Newman Drive	Mun	129599	\$200,000
RFT 08_2013/2014: Wastewater Treatment Plant Upgrades – Clarifier, Earthworks and Power	Loan/Fees & Charges	109002	\$1,990,000
RFT 10_2013/2014: Kalgan Drive Roadworks	Blackspot - Federal	129598	\$395,000
RFT 10_2013/2014: Newman Drive	Blackspot -	129600	\$375,000

<b>Roadworks</b>	<b>Federal</b>		
<b>RFT 12_2013/2014: Provision of Landscape Maintenance Services</b>	<b>Muni</b>	<b>121042</b> <b>121030</b> <b>121180</b> <b>111576</b>	<b>\$450,000</b>

It should be noted that staff expect some of the projects to come under budget which may allow additional related projects to be delivered

## STATUTORY IMPLICATIONS/REQUIREMENTS

### **Part 5 - Administration (Division 4 – Local government employees) 5.42. Delegation of some powers and duties to CEO (pg 154)**

(1) A local government may delegate (absolute majority required) to the CEO the exercise of any of its powers or the discharge of any of its duties under-

(a) this act other than those referred to in section 5.43; or

(2) A delegation under this section is to be in writing and may be general or otherwise provided in the instrument of delegation.

### **Part 5 - Administration (Division 4 – Local government employees) 5.43. Limits on delegations to CEO (pg 155)**

A local government cannot delegate to a CEO any of the following powers or duties-

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.

## POLICY IMPLICATIONS

### 10.12 PURCHASING AND TENDER PROCEDURES

Responsible Officer: Chief Executive Officer and Directors

#### Objective

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

#### 1.1 Purchase Procedures

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

\$0 - \$50 Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.

\$51 - \$5,000 Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.

\$5,001 - \$39,999 Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.

\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

### **Capital Expenditure**

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

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

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

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

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

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

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

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

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

- Deputy Chief Executive Officer
- Director Technical & Development Services
- Manager Technical Services – Rural (road construction and plant only)

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

- Managers
- Coordinator Property Services

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

- Coordinators
- Works Supervisor (Newman and Marble Bar)

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

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

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- Field Officer and client Services – Martumili
- Technical Services Administration Officer
- RPT Bus Driver
- Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)

**Light Vehicle Purchases**

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

**Consultants Services**

*Services separately identified in the adopted budget to be at officer's discretion up to \$20,000. Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds. A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.*

**Light Vehicle Disposals**

*The preference for the disposal of light vehicles (less than \$100,000) is by public auction. The reserve sale price is to be determined by the Manager Technical Services – Rural in conjunction with the Chief Executive Officer and/or the Director Technical and Development Services.*

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

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

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

**1.2 Regulatory Compliance**

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

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

## **STRATEGIC COMMUNITY PLAN**

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

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

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

### **Goal 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

### **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

Absolute.

## OFFICER'S RECOMMENDATION

**THAT Council delegate authority to the CEO(or in the absence of the CEO the Acting CEO) under s.5.42 (1) & (2) and s.5.43 (b) of the Local Government Act, to accept the following tenders for the period up to 14 March 2014 up to the value of the nominated amounts:**

Description	Funding Provider	Expenditure Account	Budget Amount (Ex GST)
RFT 18_2013/2014: Boomerang Oval Playground and Dog Agility Equipment and landscaping	Grant	119080	\$900,000
RFT 07_2013/2014: Relocate Recycled Reuse Main – Newman Drive	Mun	129599	\$200,000
RFT 08_2013/2014: Wastewater Treatment Plant Upgrades – Clarifier, Earthworks and Power	Loan/Fees & Charges	109002	\$1,990,000
RFT 10_2013/2014: Kalgan Drive Roadworks	Blackspot - Federal	129598	\$395,000
RFT 10_2013/2014: Newman Drive Roadworks	Blackspot - Federal	129600	\$375,000
RFT 12_2013/2014: Provision of Landscape Maintenance Services	Muni	121042 121030 121180 111576	\$450,000

### 9.3.3 TENDER RFT 15 2013 2014 SES BUILDING HEADQUARTERS

**File Ref:** ORG-9-17  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Paul Dickson  
Manager Community Safety  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

For Council to consider tenders for the approval, supply and construction of the Newman SES Building.

#### BACKGROUND

In 2011 FESA authorised funding of \$500,000 for the construction of Newman SES Headquarters. Both the income and expenditure has been bought forward and allowed for in the 2013/2014 budget. Designs were completed in consultation with FESA, ensuring compliance with the KPI's under the FESA funding.

A tender to construct, deliver and install on site, the Newman SES Headquarters, was advertised in the West Australian on the 16 November 2013 and closed 4:00pm, Friday, 6th December 2013.

Four tender submissions were received, these being CDP Group, Megara Building Value, McGrath Homes and Nordic North.

The tenders varied in price from approximately \$1.1 million to \$1.8 million and were all outside the authorised funding allocation provided by the Department of Fire & Emergency Services through the Local Government Grants Scheme.

#### COMMENTS/OPTIONS/DISCUSSIONS

Bearing in mind that all tenders were well in excess of the authorised funding allocation it is recommended that no tender be accepted.

Discussions were subsequently held with officers from the Department of Fire & Emergency Services (DFES) regarding options available given the significant shortfall. DFES recommend that a formal request be made to roll the current funding allocation over to financial year 2014/15 and additional funding be sought through the Local Government Grants Scheme for 2014/15. Should additional funding be approved, this would enable construction of a new Newman SES Headquarters to meet future requirements.

DFES Officers further suggested that discussions be held with the Unit Manager of the Newman SES with a view to rationalising the size of the proposed new building to

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make it more cost effective to build. This option is not necessarily supported by this officer given that the larger building size was supported to provide an all Hazards Incident Control Centre capable of supporting a Level 2 Incident Management Team in the Newman area. The smaller footprint usually allocated to SES units of Newman's size would be inadequate for that purpose. It was expected that the funds allocated would actually be sufficient to build the facility.

Advice has also recently been received that the Department of Fire and Emergency Services has earmarked Newman for the construction of a Level 2/3 Incident Control Centre, which would suggest an even more complex and possibly larger centre.

With the above in mind it is recommended that it be requested of DFES that the current authorised funding allocation be rolled over to financial year 2014/15 with a view that additional funds be sought during this funding round to construct a Level 2/3 SES Incident Control Centre at Newman.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 – Executive Functions of local governments) (Subdivision 6 – various executive functions) 3.57 Tenders for providing goods or services (pg 70)

### **POLICY IMPLICATIONS**

#### **10.9 REGIONAL PRICE PREFERENCE POLICY**

#### **10.12 PURCHASING AND TENDER PROCEDURES**

### **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

### **FINANCIAL IMPLICATIONS**

The project currently has a minimum funding shortfall of \$600,000 ex GST.

### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council rejects all tender submissions for RFT 15-2013/2014 Newman SES Building being for the Approval, Supply and Construction of Newman State Emergency Service ("SES") Headquarters**

**9.3.4 TENDER 06-2013/2014 SUPPLY AND INSTALLATION OF CAT  
MANAGEMENT FACILITY**

**File Ref:** LEG 13-3-6  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Paul Dickson  
Manager Community Safety  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider tenders for the construction of a Cat Management Facility at the Newman Depot.

**BACKGROUND**

From 1<sup>st</sup> November 2013 there was be a need for Council Officers to administer all aspects of the Cat Act 2011, this included the holding of those cats impounded under the Act. Shire officers sought and obtained grant funding of \$80,000 from Department of Local Government (DLG) and provided the balance with CLGF funding to construct a cat management facility.

A tender was advertised for the supply and installation of a cat management facility which closed on the 2<sup>nd</sup> December 2013. Only one submission was received at a price of \$186,932.00 plus GST. Unfortunately the CLGF funding was withdrawn and the tender came in over budget.

To meet the agreed term in the grant agreement associated with the DLG funding the construction of the cat management facility is to be completed by the 30<sup>th</sup> April 2014, and acquitted 40 days later.

The choices were to seek additional and alternate funding from savings on other shire projects or to reject the tender and review the project and development of a complete animal management facility.

**COMMENTS/OPTIONS/DISCUSSIONS**

To meet the obligations of the Act Council has purchased cat cages from the \$80,000 grant funding received from the DLG and set them up to be operational on a temporary basis. This is considered to be adequate to house impounded cats in the medium term.

Initial discussions have been held with the Department of Local Government with a view to rolling the remaining funding over to financial year 2014/15 to allow Council Officers the opportunity to review the project, should this be Councils wish.

It is felt that this may be an opportunity to review the management of all impounded animals and with this in mind it may be timely to consider options around an animal management facility that caters to both cats and dogs.

The options that are available to Council are:

1. Accept the tender and seek additional and alternate funding to meet the shortfall of funding following the withdrawal of the CLGF funding and consequently seek an extension of time from the DLG to complete the project – this is predicated on additional funding being found.
2. Reject the tender and seek to roll the DLG grant funding over to financial year 2014/15 with a view to reviewing the project with consideration being given to the development of a complete animal management facility.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.57. Tenders for providing goods or services (pg 70)

### **POLICY IMPLICATIONS**

#### 10.9 REGIONAL PRICE PREFERENCE POLICY

#### 10.12 PURCHASING AND TENDER PROCEDURES

### **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
  - 1.3.2 Excellence in customer service  
Responsible officer: MFA  
Timing: 1-3 years

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council rejects all tenders for RFT 6-2013/2014 Supply and Installation of Cat Management Facilities.**

### 9.3.5 NEWMAN WASTEWATER TREATMENT PLANT BUSINESS CASE

**File Ref:** STR-10-2

**Attachments:** [Wastewater Treatment Plant AM Plan](#)  
[Wastewater Treatment Plant Newman Business Case.docx](#)  
[Newman Sewage Treatment Plant Expansion Strategy](#)

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

**Author:** Mr Rick Miller  
Director Technical and Development Services

**Location/Address:** Lot 144 P192902, Windell

**Name of Applicant:** Shire of East Pilbara

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To seek Council endorsement of the business case for the upgrade and expansion of the Newman Wastewater Treatment Plant.

### BACKGROUND

At the Ordinary Council meeting held 19 April 2013, Council resolved the following:

*“THAT Council endorse the Newman Sewage Treatment Plant: Expansion Strategy for Town Population Growth to 18,000.”*

*And;*

At the Ordinary Council meeting held 25 October 2013, Council resolved the following:

*“THAT Council endorse the Shire of East Pilbara Asset Management Plan (AMP)-Wastewater Treatment Plant, Newman.”*

### COMMENTS/OPTIONS/DISCUSSIONS

The existing wastewater treatment plant is a vital piece of infrastructure that is instrumental in the development of the townsite not only from the treatment of sewage but also in the provision of providing critical recycled water for the high standard of irrigation of Newman’s Parks, Gardens and Ovals.

As part of the Pilbara Cities Program, Newman townsite has been identified as sub regional centre with a planned sustained population growth of at least 15,000. To achieve this goal, significant planning and investment in infrastructure will be required and the business case proposal will support the existing adopted documents (Strategy and AMP).



The business case will be used by the shire to attract the significant funding required for the ultimate implementation of the upgrade and expansion project.

The business case gives Council the opportunity to assess development of any project further by providing the following:

1. Executive Summary
2. Project Scope and Evaluation
  - + Project Outcome
  - + Funding strategy
  - + Risk Analysis
3. Implementation Strategy
4. Recommended or Preferred Option

The expansion strategy highlights that the existing plant is operating on or near or above its capacity on any given day and with the critical role the plant plays in the town's wellbeing that, the upgrade and expansion be given a high priority.

Some preliminary discussions have been held with the Pilbara Development Commission (PDC) Manager Land Development and advice has been received of future funding rounds of up to \$8million will be available for this type of infrastructure project that is supported by a business case. The PDC board will be meeting on 10 April and 13 June to consider potential projects.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC COMMUNITY PLAN**

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

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

- 1.1 Efficient and effective local government
- 1.1.3 Effective business management
  - Responsible officer: DCEO
  - Timing: 1-3 years

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

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

- 3.3 Provide adequate community infrastructure

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

**Goal 4 – Environmental – Planned Actions**

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

- 4.2 Promote a sustainable environment
- 4.2.2 Promote improved water management  
Responsible officer: DTDS  
Timing: 1-3 years

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. The business case will support future applications to fund the ultimate expansion.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the business case proposal for the Newman Wastewater Treatment Plant Upgrade and Expansion.**

**9.3.6 USE OF THE SHIRE COMMON SEAL - CONTRACT FOR RFT 05-2013/2014  
SUPPLY AND INSTALLATION OF PATHWAYS AND ROAD KERBING**

**File Ref:** LEG-13-3-5  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Ms Helen Taulapiu  
Technical Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract RFT 05-2013/2014 Supply and Installation of Pathways and Road Kerbing.

**BACKGROUND**

At the council meeting held on the 6<sup>th</sup> December 2013, Council resolved to be award tender RFT 05-2013/2014 Supply and Installation of pathways and Road Kerbing to Jetline Kerbing contractors.

**COMMENTS/OPTIONS/DISCUSSIONS**

This agenda item is seeking approval from Council for using the common seal on the contract documents.

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

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

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

**Objective**

To allow for the proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

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

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

**Goal 3 – Economic – Planned Actions**

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

3.1.2 Build a thriving and diverse economy

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

3.2 Employment opportunities

3.2.1 Promote a variety of choice in local employment

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the common seal of the Shire of East Pilbara be affixed to the Contract in relation to RFT 05-2013/2014 Supply and Installation of Pathways and Road Kerbing, between the Shire of East Pilbara and Jetline Kerbing Contractors.**

**9.3.7 USE OF THE SHIRE COMMON SEAL - CONTRACT FOR RFT -11-  
2013/2014 MINDARRA DRIVE – LANDSCAPE AND RETICULATION  
WORKS**

**File Ref:** LEG-13-3-11  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Ms Helen Taulapiu  
Technical Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract RFT 11-2013/2014 Mindarra Drive – Landscape and Reticulation.

**BACKGROUND**

At the council meeting held on the 6<sup>th</sup> December 2013, Council resolved to award the recommended Tender RFT 11-2013/2014 Mindarra Drive – Landscape and Reticulation to Environmental Industries.

**COMMENTS/OPTIONS/DISCUSSIONS**

This agenda item is seeking approval from Council for using the common seal on these documents.

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

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**Objective**

To allow for proper execution of documents.

**Policy**

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

**STRATEGIC COMMUNITY PLAN**

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

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

**Goal 3 – Economic – Planned Actions**

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

3.1.2 Build a thriving and diverse economy

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

3.2 Employment opportunities

3.2.1 Promote a variety of choice in local employment

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the common seal of the Shire of East Pilbara be affixed to the contract to the RFT11-2013/2014 Mindarra Drive – Landscape and Reticulation works, between the Shire of East Pilbara and Environmental Industries.**

### 9.3.8 AIRPORT FEES AND CHARGES – SCREENING SERVICES

**File Ref:** FIN 23-10  
**Attachments:** [Pax screening\\_YNWN Breakdown 2014 15.xlsx](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Leon Burger  
Chief Operating Officer Airport  
**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 introduction of Screening Fee and Charges at the Newman Airport with effect from 1 May 2014.

#### BACKGROUND

Council's Resolution 201314/32 dated 28 June 2013 refers.

- 1. THAT Council endorses Option 2 as the preferred option that will establish the Shire of East Pilbara as Screening Authority for Newman Airport, and to engage a third party to provide actual screening services.*
- 2. That Council authorises the Chief Executive Officer to obtain authority from the Department of Transport (Office of Transport Security) to become the recognised Screening Authority at Newman Airport.*
- 3. That Council authorises the Chief Executive Officer to prepare a Business Plan in support of Option 2 for consideration and approval.*

CARRIED  
RECORD OF VOTE: 7 - 0

*To be actioned by Mr Leon Burger, Manager Airport Services.*

Council's Resolution 201314/108 dated 27 September 2013 refers:

THAT

- 1. Council under Local Government (Functions and General) Regulations 1996; Part 4; D2, 11 (2)(f) states that it has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier that can provide the specific services within the timelines required and taking into consideration the timelines and requirements of the Office of Transport Security Screening authority application process.*

2. *Subject to confirmation from OTS that it will allow the leasing of screening equipment to the shire, that Council authorises the CEO to enter into lease arrangements for passenger screening equipment from Qantas for a period up to 6 months at \$4,000 + GST/month for the nominated transition period.*
3. *Council authorises the Chief Executive Officer to engage MSS Security through a one year service agreement at a cost of \$ 1,400,000 + GST for the provision of screening services during scheduled operating hours.*
4. *Council authorises the Chief Executive Officer to engage MSS Security through a one year service agreement at an estimated cost of \$ 330,000 + GST for the provision of screening services during non-scheduled operating hours.*

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 8 - 0**

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

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

Negotiations and deliberations towards the Shire of East Pilbara becoming the Screening Authority at Newman Airport have reached the stage where the following have been finalised:

- All approved contracts and service agreements have been completed, signed and the common seal applied.
- The transfer of existing Qantas equipment to the Shire of East Pilbara has been renegotiated at \$100 + GST. In this, the shire accepts responsibility of disposal of sensitive equipment at the time it is replaced with new equipment.
- The combined RFT for the Pilbara Airports Group (PAG) for screening services and replacement capital expenditure (CAPEX) equipment will be issued through the PRC early in January 2014.
- All relevant support documentation and information has been obtained to submit the Screening Authority application to Office of Transport Security (OTS) by 31 January 2014.
- All information is now available to complete the relevant costs associated with screening operations as per the costing model adopted by the PAG.

As stated in previous submissions to Council, due to the timing by Qantas to withdraw as Screening Authority, no budget allowances were included within the current FY budget for screening operations. This applies to both capital and operating costs. A separate submission to Council will address the Airport budget review required to cover screening operations for the last quarter of FY2013/14.

Airlines generally require 90 days notification to include changes to relevant F&C into their ticket pricing. With the intended date for assuming the role as Screening Authority being 1 May 2014, the latest date of notification to airlines of any changes to F&C is therefore 31 January 2014. The attached costing model and analysis



address all foreseeable costs associated with screening operations, and ultimately the departing passenger costs to be on costed to airlines. In the formulation of this costing model the following principles were adopted:

1. Only direct costs associated with the provision of screening services have been included in the costing model and include:
  - a. Employee costs – contracted third parties.
  - b. Operating costs.
  - c. Capital Expenditures.
  - d. Site costs.
2. The overall cost of screening operations, and the cost recovery from airlines, will be considered a budget neutral item and will so be reflected within all forthcoming budgets and Fees & Charges structures.
3. Depreciation and finance costs directly associated with the acquisition of screening equipment will be recovered over a five year period.
4. The cost of security management has been included at 20% of duty time against cost of employment for the Security Contact Officer and his deputy.
5. Insurance for specific War and Terrorism cover only against the existing aerodrome operator's public liability cover has been included.
6. Service delivery, outgoings and maintenance costs are against existing contracts, local authority rates, and service agreements.
7. No specific allowance for general site maintenance has been made, as such maintenance, cleaning and general outgoings are include in the site costs. These costs are determined through periodic valuations and overall outgoings, and are set by the Shire of East Pilbara.
8. GST is to be added to the per passenger screening fee when invoiced.

The costing model is furthermore based on the following assumptions:

1. All departing RPT passenger are to be screened.
2. All passengers on non-RPT aircraft with a MTOW exceeding 20 tonnes will be screened.
3. 50% of all passenger movements are departing passengers.
4. Passenger numbers are based on the FY2013/14 statistics, at a growth rate of 6% for FY2014/15.
5. Aircraft operators will be invoiced by the Shire of East Pilbara on a monthly basis.
6. Full reconciliation of screening costs will be done at the end of every financial year and under/over costs recovered as applicable.
7. Review of screening costs will be done in February every year based on current FY statistics and the applicable passenger growth rate, or at any time that the screening environment or passenger numbers indicate that a change of more than 3% to the screening fees are required.

The final outcome from the costing model for the remainder of FY 2013/14 and FY 2014/15 is:

Operating, equipment & site lease costs	\$ 301,651.42
Total Staffing Contract Costs	\$ 1,687,386.84
<b>Total Recoverable Security Screening Costs</b>	<b>\$ 1,989,038.26</b>
Annual Departing passengers	237,000
Total Annualised passenger charge (Excl)	\$ 8.39
GST	0.84
<b>Total Annualised passenger charge (GST Incl)</b>	<b>\$ 9.23</b>

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

NIL

## **POLICY IMPLICATIONS**

### **3.4 BUDGET AMENDMENTS**

## **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

## **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. Approve the introduction of Screening Fees per departing passenger with effect from 1 May 2014 at \$ 9.23 per passenger (GST inclusive).**
- 2. Notice of the adopted fees be advertised pursuant to section 6.19 Local Government Act 1995.**

**9.3.9 PROPOSED EXCISION (LAND SWAP) AND ROAD MANAGEMENT - LOT  
1628 (RESERVE 38512) BOOMERANG OVAL**

**File Ref:** A409750  
**Attachments:** [Boomerang Oval Subdivision Plan.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Boomerang Oval, Newman  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for the proposed land swap with the Seasons Hotel for the creation of Iron Ore Parade through Boomerang Oval in addition to the Shire's acceptance of the management of the proposed road extension.

**BACKGROUND**

Council is well aware of the works undertaken as part of the Newman Revitalisation town centre works which to date has included the beautification and upgrading of a portion the existing town centre parking, road and service upgrades and the construction of the Iron Ore Parade extension through Boomerang Oval.

In order for the Shire, in conjunction with Landcorp, to complete the civil works for the road, there was a need to undertake a land swap with the adjoining Seasons Hotel to allow for the existing road alignment to match seamlessly with the proposed road extension. Accordingly, the Shire, in conjunction with the Department of Lands entered into an agreement with the owners of Seasons Hotel for the purposes of a land swap to allow the construction to go ahead and subject to a subdivision being effected.

The subdivision application involving the land swap was lodged with the Department of Planning in August 2012, however, in order to progress the final approval, Department of Lands have advised the Shire that they require a Council resolution advising its support of the land swap and subsequent acceptance of management for the new road.

**COMMENTS/OPTIONS/DISCUSSIONS**

The area(s) the subject of the land swap are indicated on the attached proposed subdivision plan and denoted as 'C1' being the portion to be excised from Seasons Hotel and forming part of the proposed road reserve and 'D1' being the portion to be excised from the oval Reserve and ceded to Seasons Hotel. As with all land swaps, the areas are a like for like area being a total of 1092m<sup>2</sup>. As previously identified, the

subject areas have been agreed to previously by way of legal agreement prior to the construction being undertaken.

With regards to the new road extension, the Council is required to advise the Department of Lands that it is happy to accept management of the road in order for the road reserve to be created on a survey diagram.

The Council resolution is therefore a formality required by the Department of Lands and therefore it is recommended that the Council resolve to support the land swap and accept management of the new road.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **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. Advises the Department of Lands that it supports and consents to the proposed land swap as detailed on the proposed plan of subdivision (attached) whereby a portion of Reserve 38512 is to be excised for inclusion into existing Lot 23 on DP 24130 and a portion of Lot 23 on DP 24130 is to be excised and included into the new Iron Ore Parade road reserve;**
- 2. Advises the Department of Lands that it accepts Management Orders over the new road reserve as a result of the extension of Iron Ore Parade through Reserve 38512 as identified on the proposed plan of subdivision (attached).**

**9.3.10 AFFIXING THE COMMON SEAL TO THE EXTINGUISHMENT OF  
EASEMENT CREATED UNDER S.167 OF THE PLANNING AND  
DEVELOPMENT ACT 2005**

**File Ref:** PLN-8-3-6  
**Attachments:** [Lot 9002 - Easement to be extinguished.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lot 9002 Pardoo Street, Newman  
**Name of Applicant:** Landcorp  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Shire seal was applied on the application to extinguish the easement on Lot 9002 created under Section 167 of the Planning and Development Act 2005 as a result of the previous Industrial area subdivision.

**BACKGROUND**

Lot 9002 was created as part of Stage 3 of the Newman Industrial area subdivision which was completed in early 2012. Lot 9002 consists of a small hill and at the time of creation, was thought to be impractical to remove in order to create additional lots. However, since its creation, further consideration has been given and it is now possible that the lot can be developed to create additional lots.

When Lot 9002 was originally developed, there was a requirement to have a drainage easement placed over the lot to allow for the adequate drainage of adjoining lots. Now that it is proposed to subdivide the subject lot, there is a requirement to extinguish the easement before a new survey plan can be lodged to create new titles. Accordingly, given that the easement is a benefit to the Shire for the purposes of management, Landcorp applied to the Shire to have the easement extinguished.

**COMMENTS/OPTIONS/DISCUSSIONS**

As part of the proposed subdivision works there will be a requirement to implement further drainage easements to allow for the satisfactory drainage of the proposed new lots and those adjoining the subject lot. In order to create the new easements, the existing easement must be extinguished.

The proposed subdivision works have been submitted to the Shire's Technical services section for consideration and were subsequently approved by the Director of Technical and Development Services. Accordingly, both the Technical and Development services sections were satisfied that the easement could be extinguished to allow works to commence. As such, the application to extinguish was

submitted to the CEO and Shire President for approval and application of the Shire Seal.

This report seeks Council's acknowledgment of the use of the Shire seal in accordance with Council policy.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**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**

**3.4.1 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**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council acknowledges the use and application of the Shire Seal on the application to extinguish the easement created under Section 167 of the Planning and Development Act 2005 over Lot 9002 on DP 73179.**



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**9.3.11 APPLICATION FOR KEEPING MORE THAN TWO DOGS**

**File Ref:** RNG 1-3  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Geoff Smith  
Shire Ranger  
**Location/Address:** 67 Kurra Street, Newman WA 6753  
**Name of Applicant:** Ms Donna McMahon  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

The applicant Ms Donna McMahon seeks approval to keep three dogs at 67 Kurra Street, Newman, WA 6753.

**BACKGROUND**

The applicants would like to have another small dog as company for the one small one they have now and maybe breeding. They lost a Doberman 18 months ago and the husband bought a toy poodle for his wife in its place.

Ranger Services received an application to keep more than two dogs from the applicant on 15<sup>th</sup> October 2013.

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

The details of the dogs are as follows:

DOG (breed)	SEX	COLOUR	REGISTRATION NUMBER	STERILISED Y/N
1. Doberman	Female	Black & Tan	Y2849	No
2. Toy Poodle	Male	Black	Y2490	No
3. Toy Poodle	Female	Brown	TBA	No

**COMMENTS/OPTIONS/DISCUSSIONS**

Rangers' enquiries indicate that the animals have a large yard and are regularly exercised. There were no complaints from the immediate neighbours or the general public in response to the Surveys conducted under the Dog Act (1976).

The original two dogs are registered, the Doberman since October 2007 and the poodle since February 2013. No history on the dogs is apparent on the Shire of East Pilbara registration database and no complaints have previously been received in relation to the dogs.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

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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 67 Kurra 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.**

- 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**  
14th March 2014, Marble Bar
- 15    CLOSURE**