



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, 3 FEBRUARY, 2017.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr John Jakobson
Cr Biddy Schill
Cr Shane Carter
Cr Gerry Parsons
Cr Jeton Ahmedi
Cr Dean Hatwell
Cr Michael Kitchen

Shire President
Deputy Shire President
Councillor
Councillor
Councillor
Councillor
Councillor
Councillor
Councillor
Councillor

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Sheryl Pobrica

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

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Cr Craig Hoyer

Councillor

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 OIC NEWMAN POLICE STATION

Acting Senior Sargent Grant Berry, OIC Newman Police Station will be speaking to Council regarding Ordinary Council Meeting 9th December 2016 item 13.3.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 09 2016 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 9 December 2016, be confirmed as a true and correct record of proceedings.

7.2 MINUTES PILBARA REGIONAL COUNCIL 25 NOVEMBER 2016

OFFICER'S RECOMMENDATION

THAT the minutes of the Pilbara Regional Council Ordinary Meeting of Council held on 25 November 2016, 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 DECISION - DECEMBER 2016

File Ref: CLR-4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
Division 2 Local governments and councils of local governments
Section 2.7

- (1) The council –
 - (a) governs 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.

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Chief Executive Officer “Status of Council Decisions” Report for the month of December 2016 be received.

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

3 FEBRUARY, 2017

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 th October 2016	13.1	BLOODY SLOW CUP EVENT - SECURITY Cr Craig Hoyer asked the question at the Bloodyslow Cup Event they have no security but if a sporting club would like to run an event then it requires many security personnel which costs too much and yet the police can just have a couple of police officers? Cr Lynne Craigie said she will be having a meeting with the OIC and will ask the question. Mr Allen Cooper, Chief Executive Officer to arrange	CEO	Invite Police to attend OCM on 03/02/2017	3 rd Feb 2017
28 th October 2016	13.4	QANTAS & VIRGIN CHEAPER FLIGHTS FOR RESIDENTS Cr Shane Carter asked if a letter can be sent to Qantas and Virgin asking if they can come up with discounted flights for residents in the Pilbara, as the cost of flights is so expensive especially on certain time slots of the week. Mr Allen Cooper, CEO said they have written letters, and have had only one reply from Qantas which was in the Information Bulletin. Council will continue with the push to encourage the airlines for discounted flights for the residents. Cr Lynne Craigie also replied the PRC are speaking with the airlines regarding discounted flights for the residents in the Pilbara	CEO	Qantas released discounted flight 26/12/2016	Ongoing to be removed
9 December 2016	9.1.2	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW	PRESIDENT	To be finalised.	
9 December 2016	9.1.3	REGIONAL AGEING STRATEGY - PILBARA REGIONAL COUNCIL	CEO	PRC advised of Councils support	
9 December 2016	13.3	SUPPORT FOR A MAYOR'S CHAIN Cr Michael Kitchin explained that he attended an event in Perth and a number of Mayors and Presidents from Western Australia who attended this event were all wearing their Chains of Office and our Shire President, Lynne Craigie attended and had no chain, it did not look correct and suggested support for the staff to look into the cost of acquiring a Presidential Chain of Office. Mr Allen Cooper, Chief Executive Officer to prepare an item for consideration at the February 2017 Ordinary Council Meeting.	CEO	Agenda Item 3 rd Feb 2017	Subject to outcome of agenda item

9.1.2 2017 ALTERNATIVE QUEENS BIRTHDAY PUBLIC HOLIDAY DATES

File Ref: CSV-14-7
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative dates for the Queen's Birthday holiday in 2017 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 25th September 2017.

Local Governments may request that the public holiday be celebrated on an alternative date of significance within their districts, in lieu of the date proclaimed as the public holiday for the rest of the state.

Local governments may request that the public holiday be celebrated on an alternative date of significance within their districts, in lieu of the date proclaimed as the public holiday for the rest of the State.

Local governments interested in having an alternative date declared for the Queen's Birthday public holiday in 2017 should provide a written request which:

- a) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- b) outlines the reason for the alternative date and the consultation process undertaken.

The written requests should be forwarded to:

Ms Christina Eftos
Labour Relations and Industry Development Division
Department of Commerce
Locked Bag 14
CLOISTERS SQUARE WA 6850

Email Christina.eftos@commerce.wa.gov.au

COMMENTS/OPTIONS/DISCUSSIONS

Annual Marble Bar Race weekend for Marble Bar and Nullagine, and the Monday of the Fortescue Festival weekend in Newman.

The dates for the events in 2017 have been set as;

- Monday 3rd July 2016 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 21st August 2016 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce, Labour Relations Division for gazettal.

The basis of this resolution is as follows;

Traditionally the Queen's Birthday holiday has been set on the Monday of the annual Marble Bar Race weekend for Marble Bar and Nullagine, and the Monday of the Fortescue Festival weekend that includes a race day for Newman.

The Marble Bar Race Club Inc and the Newman Lions Club have requested these dates remain as a long weekend with a public holiday on the Monday.

Council *Policy* supports/recognises Events of Community interest which includes;

Newman

Lions Fortescue Festival 3rd Sunday in August.

Lions Fortescue Festival Ball

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Monday after Marble Bar Race Day

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

8. *Power of Governor to alter day appointed for a public holiday or bank holiday*

- (1) *The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*

(2) *A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

(3) *Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

Shire of East Pilbara Events Strategy

6.1 Council Supported/Recognised Events of Community Interest.

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.

2.4 Diverse and inclusive communities

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Advertising for the 2017 Alternative Queens Birthday dates to be advertised in the local newspaper under GL#41146 after approval by the Governor and gazetted.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Department of Commerce, Labour Relations Division be advised of the following alternative dates for the Queen's Birthday holiday 2017.

- 1. Monday 3rd July 2017 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 21st August 2017 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

9.1.3 PRESIDENTIAL CHAIN OF OFFICE

File Ref: OCM09122016 – 13.3
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider the purchase of a Presidential Chain of Office.

BACKGROUND

Item 13.3 of the minutes from the Ordinary Meeting of Council held on the 9th December 2016 recorded the following:

Cr Michael Kitchin explained that he attended an event in Perth and a number of Mayors and Presidents from Western Australia who attended this event were all wearing their Chains of Office and our Shire President, Lynne Craigie attended and had no chain, it did not look correct and suggested support for the staff to look into the cost of acquiring a Presidential Chain of Office.

Mr Allen Cooper, Chief Executive Officer to prepare an item for consideration at the February 2017 Ordinary Council Meeting.

Presidential Chains recognises the position of the President and would be used at the discretion of the President subject to a “Policy on use” being formulated. Historically the position of a Mayor, around the world, included formal regalia of office being robes and chains.

Depending on the design of the chain the cost of acquisition could vary significantly. A simple chain could be below \$1,000 and passed on to subsequent Presidents for use whilst in office. Whilst a more striking chain could also include all the Presidents of the Shire since inception in 1972 some 17 in total.

The chain could be made of any metal subject to the cost or just material.

BACKGROUND

The Mayor of the City of Karratha and the President of the Shire of Ashburton do not have a chain of office. The Mayor of the Town of Port Hedland has a Mayoral Chain which was donated.

COMMENTS/OPTIONS/DISCUSSIONS

To consider the purchase of a chain to a set value subject to the 2016/17 budget or a future year budget.

Alternatively, not to consider a purchase of a chain of office at all.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

RISK MANAGEMENT CONSIDERATIONS

There is a potential reputational risk on spending funds on the chain as, in the eyes of some community members, it may be seen as an unnecessary largesse or somewhat ostentatious. Conversely the lack of some form of formal regalia may be taken adversely by visiting dignitaries, especially from overseas.

FINANCIAL IMPLICATIONS

Depending on the value of the chain funds could be taken from the Public Relations account, No. 41034. Budget amount \$70,000 balance remaining as at 31st December 2016 is \$44,805. Otherwise the purchase could be considered in the 2017/18 budget deliberations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. Council authorise the purchase of a Presidential Chain only up to the value of \$3,000, from account No 41034; and**
- 2. A policy be developed on the "Use of the Presidential Chain".**

9.1.4 2017 WA LOCAL GOVERNMENT CONVENTION

File Ref: CLR 5-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 3 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2017.

BACKGROUND

WALGA has advised the 2017 WA Local Government Convention and Trade Exhibition will be held at the Perth Convention and Exhibition Centre (PCEC) from Wednesday, 2nd August to Friday, 4th August next 2017.

The format of the 2017 Convention will be similar to 2016. The 2017 WALGA Annual General Meeting (AGM) starting at 1.30pm, Wednesday 2nd August 2017, which the Shire of East Pilbara requires two voting delegates to attend.

The Local Government Convention and Trade Exhibition will commence Thursday 3rd and Friday 4th August 2017.

The Annual Gala Dinner will take place on the evening of Friday 4th August 2017.

Copies of the WA Local Government Convention and Trade Exhibition program will be distributed to Councillors once it has been finalised.

In 2016, ten (10) Councillors and the Chief Executive Officer attended the event.

It is also a good opportunity for Councillors to attend training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

WA Local Government Convention and Trade Exhibition is also an opportunity for the Shire President and the Chief Executive Officer to meet with Ministers, Government agencies and others, if required.

Early indication of attendance allows staff to pre-book accommodation and flights at the cheapest possible rate; it also allows Councillors to book annual leave with their employer.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy Manual 2016-2017

1.6 Dress Code for Councillors Representing Council on External Business and Events

Responsible Directorate	Executive Services
Responsible Officer	Chief Executive Officer
File Number	CLR 4-6

Objective

In addition to the dress standard for Council Chambers (Item No: 9.1.13 Dated 27th June 2003) as described in the Councillors handbook, it is also appropriate to establish an acceptable dress standard for all Councillors attending or representing Council business at external functions and events.

The manner in which Councillors are dressed on official business can have a profound effect on the image of the Shire of East Pilbara. A good quality uniform will assist in building a professional image of the Shire and assist external sources to identify Shire Councillors.

Policy

1. Councillors will be issued a pair of shirts with the inclusion of the Shire logo on all uniform pieces.
2. All uniforms provided by and financed by the Shire of East Pilbara will be regarded as the Councillor Corporate Wardrobe. This will be subsidised by the Shire or processed through the Shire's financial and distribution system.
3. All Councillors provided with Corporate Uniforms must wear the uniform at all Councils functions and events (internal or external business and meetings) on a regular basis.
4. Councillors are not to wear Corporate Uniforms for personal use.
5. Councillors are able to purchase additional clothing other than that supplied by the Council. They will be responsible for the full costs of these additional uniforms.
6. Each Councillor is responsible for repairs, alterations and cleaning of supplied uniforms.
7. All items provided must be cleaned as per instructions on the label.

STRATEGIC COMMUNITY PLAN

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of attendance for the 2017 WA Local Government Convention and Workshop is budgeted for each year, for Councillors under account number GL# 41007 for Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL# 41103 Conference and Seminar Expenses. These costs will be covered in the budget 2017/2018.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer to attend the WA Local Government Association (WALGA) Convention and Trade Exhibition 2017 on behalf of the Shire of East Pilbara; and
2. The Deputy Shire President, Cr Lang Coppin and Cr _____ to be Council's voting delegates at the WALGA Annual General Meeting.

**9.1.5 JOINT KIMBERLEY/PILBARA/NORTHERN TERRITORY LOCAL
GOVERNMENT FORUM - 2017**

Attachments:	Invitation Letter Registration Form
File Ref:	ORG-4-6
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Sheryl Pobrica Executive Services Administration Officer
Proposed Meeting Date:	03 February 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider attending the Joint Kimberley/Pilbara/Northern Territory Local Government Forum in Kununurra Monday 15th and 16th May 2017.

BACKGROUND

The Joint Kimberley Pilbara Northern Territory Local Government Forum is an annual event hosted by the Pilbara and Kimberley regions on alternate years.

In previous years it has been called the Pilbara Kimberley (PK) Joint Forum. Last year, 11-13 April 2016, the event was organised by the Pilbara Regional Council, called the EASTXWEST Forum and held in Shenzhen, China.

Seven Councillors and the CEO attended the forum and submitted a report which was presented to Council 24th June 2016.

This year the Kimberley Regional Group will be hosting the 2017 Joint Forum.


The forum will be attended by delegates from the Kimberley, Pilbara and Northern Territory Local Governments and State organisations.

This forum will be designed around strengthening the alliance of councils by building on strategic partnerships and identifying opportunities for cross border collaboration in the key areas of agriculture, infrastructure and indigenous issues.



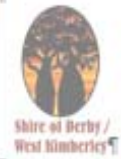




The registration fee for the forum is \$1,100 per delegate. Registration is to be completed for all delegates attending the forum by Friday 31st March 2017. Registration purchase orders need to be made to the Shire of Derby West Kimberley.

The Pilbara Regional Council (PRC) will also be attending the forum and will be holding the PRC Ordinary Meeting on Wednesday, 17th May 2017, in Kununurra at 10.30am.

Below is the programme set for the forum by the Kimberley Regional Group



Kimberley Regional Group
PO Box 653 Broome 6725 Ph: (08) 9192 8355 Fax: (08) 9192 2451

**Joint Kimberley/Pilbara/Northern Territory
Local Government Forum**

Sunday 14 May

1.30pm → Fly Broome to Kununurra: Sun 14 May 13.30, arrive in Kununurra 14.40. (Each shire to organise their own flights)

2.45pm → Airport bus transfers to Kimberley Grande

3.30-5.00pm → Kimberley CEO Meeting – Council Chambers

6.30pm → Dinner at Kimberley Grande

Monday 15 May

8.30am – 3.00pm → Joint Kimberley/Pilbara/Northern Territory Local Government Forum
Kimberley Grande – Function Room

10.30am → Morning Tea

12.15pm → Lunch

2.20pm → Afternoon Tea

3.00pm → Forum close

4.15-9.30pm → Bus pickup from Kimberley Grande to Lake Argyle resort for dinner function

Tuesday 16 May

9.00am – 12.00pm → Joint Kimberley/Pilbara/Northern Territory Local Government Forum
Kimberley Grande – Function Room

12.00pm → Forum close

12.00pm → Lunch

1.15pm-3.30pm → Tour 1 – Ord Stage 2
Or

1.15pm-4.30pm → Tour 2 – Wyndham Port

6.15-9.30pm → Bus pickup from Kimberley Grande to Pump House for dinner function

Wednesday 17 May

10.15am → Airport transfers from Kimberley Grande

11.25am → Fly Kununurra to Broome: Wed 17 May 11.25, arrive in Broome 12.50. (Each shire to organise their own flights)

COMMENTS/OPTIONS/DISCUSSIONS

Registration does cover airport transfers, dinner transfers, lunch catering and dinners on Sunday 14, Monday 15 and Tuesday 16 May from the registration fee per delegate.

The cost for the registration **does not** include accommodation, travel or flights.

Rooms have been reserved at the Kimberley Grande at a cost as below per attendees/delegates.

Accommodation is \$205 per room/per night including cooked breakfast – possibly buffet.

Travel, flights and accommodation will be arranged by the Shire of East Pilbara.

Costs are based on 11 Councillors and one staff member attending.

Options:

Option 1

Polar Aviation fly from Newman to Marble Bar to Kununurra Sunday 14th May 2017 cost \$21,950.00 Ext GST and return 18th May 2017.

Polar Aviation (restriction to baggage weight) Inc GST	\$24,145.00
Accommodation x 12 x 4nights @ \$205.00 per room	\$ 9,840.00
Meals for Dinner Wednesday 17/05/2017 est cost	\$ 1,000.00
Registration per delegate \$1,100 x 12	\$13,200.00
<u>Total</u>	<u>\$48,185.00</u>

Est cost for 12 people **\$3,947.00** per person

Option 2

Drive Newman, Nullagine, Marble Bar to Broome SOEP vehicles return–
Flight Broome to Kununurra return 14th May and return 18th May 2017.

12 x \$632.00 approx. cost	\$ 7,584.00
Parking Broome Airport \$14 per day x 3 vehicles	\$ 168.00
Accommodation x 11 x 4 nights @ \$205.00 per room	\$ 9,020.00
Meals for Dinner Wednesday 17/05/2017 approx. cost	\$ 1,000.00
Registration per delegate \$1,100 x 12	\$13,200.00
<u>Total</u>	<u>\$30,972.00</u>

Est cost for 12 people **\$2,581.00** per person

Option 3

Drive from Marble Bar to Port Hedland 13/05/2017 per person

Travel Marble Bar to Port Hedland	\$384.00
Airport parking Fee	\$70.00
Flight Port Hedland to Perth 13/05/2017	\$402.00
Stay overnight Hotel and meal	\$250.00
Flight Perth to Kununurra 14/05/2017	\$358.00
Accommodation Kununurra 3 x nights \$205 per night	\$615.00
Flight Kununurra to Perth 17/05/2017	\$459.00
Stay overnight Perth Hotel and Meal	\$250.00
Flight Perth to Port Hedland 17/05/2017	\$332.00
Registration Fee per person	\$1,100.00

Est cost for per person **\$4,220 each** from Port Hedland

Travel Nullagine to Newman	\$200.00
Airport parking Fee	Free
Flight Newman to Perth 13/05/2017	\$384.00
Stay overnight Hotel and meal	\$250.00
Flight Perth to Kununurra 14/05/2017	\$358.00
Accommodation Kununurra 3 x nights \$205 per night	\$615.00
Flight Kununurra to Perth 17/05/2017	\$459.00
Stay overnight Perth Hotel and Meal	\$250.00
Flight Perth to Newman 17/05/2017	\$450.00
Registration Fee per person	\$1,100.00

Est cost for per person **\$4,066 each** from Newman

Est Total Cost for x 12 people **\$49,254.00**

Option 4

That Council resolves to have no involvement with the Joint Forum.

Recent Attendance at Joint Forums

Council has most recently attended the 2016 EastXWest Forum in China, at a cost of \$2,204 approximately per person, 2015 in Darwin, NT, at a cost of approximately \$3,800 per person, and in 2014 in Jakarta, Indonesia at a cost of approximately \$1,800 per person.

Attendance at the annual WALGA Convention in Perth is approximately \$4,200 per person.

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

1.1.2 Continued strong financial management

RISK MANAGEMENT CONSIDERATIONS

Reputational risk on the number and cost of Councillors attending such an event.

FINANCIAL IMPLICATIONS

Option 1 Private Charter the cost per person for 12 people attending \$3,764.17

Option 2 Drive/fly the cost per person for 12 people attending is \$2,531.00

Councillors

GL#41007

Conference and Seminar Expenses budget \$50,000 spent \$35,307.02, balance as 20/01/2017 \$14,692.98.

GL#41013

Councillor Training Expenses budget \$10,000 spent \$250, balance as 20/01/2017 \$9,750.00

Staff

GL#41103

Conference and Seminar Expenses budget \$36,400 spent \$14,792.03, balance as 20/01/2017 \$21,607.97

If all Councillors were authorised to attend then the total cost could be as high as \$47,765.00 exceeding Councils unspent funds for Conference and Seminar expenses and would have to be authorised as unbudgeted expenditure.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Support attendance at the Joint Kimberley/Pilbara/Northern Territory Local Government Forum 15 & 16 May 2017.**
- 2. Nominate Councillor/s_____ and (number of staff)_____ staff to attend;**
- 3. Attendees be required to submit a report on their attendance including benefits to the individual, the Shire, the Pilbara and the State within one (1) month of returning from the conference**

**9.1.6 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
COMMUNITY WELLBEING**

File Ref: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The employment contract of Mr Philip (Pip) Parsonson, Manager Community Wellbeing, has been extended by a further 1 year term from 2nd February 2017 to 1st February 2018.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 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

RISK MANAGEMENT CONSIDERATIONS

Nil.

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 Philip (Pip) Parsonson, Manager Community Wellbeing, for a further 1 year term, from 2nd February 2017 to 1st February 2018.

**9.1.7 AFFIX 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
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The employment contract of Mr George Christianson, Manager Compliance Airports, has been extended by a further 1 year term from 17th January 2017 to 16th January 2018.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 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

RISK MANAGEMENT CONSIDERATIONS

Nil.

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 further 1 year term, from 17th January 2017 to 16th January 2018.

**9.1.8 AFFIX 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
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The employment contract of Mr Salomon Kloppers, Manager Development Airports, has been extended by a further 1 year term from 14th January 2017 to 13th January 2018.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 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

RISK MANAGEMENT CONSIDERATIONS

Nil.

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 further 1 year term, from 14th January 2017 to 13th January 2018.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION -
DECEMBER 2016**

File Ref: CLR-4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
Division 2 Local governments and councils of local governments
Section 2.7

- (1) The council –
 - (a) governs 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.

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of December 2016 be received.

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

3 FEBRUARY, 2017

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
9 December 2016	9.2.2	2015/2016 ANNUAL REPORT ACCEPTANCE	MCS		Completed
9 December 2016	9.2.3	AUDIT COMMITTEE REPORT - 24 NOVEMBER 2016	MCS		Completed
9 December 2016	9.2.4	AMENDED DELEGATION 4.6 EXECUTION OF DOCUMENTS AND POLICY 4.5 EXECUTION OF DOCUMENTS	CG		Completed
9 December 2016	9.2.5	BUDGET AND DIFFERENTIAL RATING TIMETABLE 2017/2018	DCEO		Completed
9 December 2016	9.2.6	AMENDMENT TO REGIONAL PRICE PREFERENCE POLICY	CPO	Advertised in the West Australian 07.01.2017 & Northwest Telegraph 11.01.2017 + Notice Board, Shire Website for any comments by 06/02/2017.	March 2017
9 December 2016	9.2.7	AWARD OF TENDER RFT 05-2016/17 PROVISION OF FIRE EQUIPMENT INSPECTION, SERVICING AND TESTING	CBS		Completed
9 December 2016	11.3.1	AWARD OF TENDER RFT 07-2016/17 - PROVISION OF PEST MANAGEMENT AND MOSQUITO CONTROL SERVICES	CBS		Completed

9.2.2 AUTHORISATIONS AND DELEGATIONS 2016-2017- VARIOUS AMENDMENTS

Attachments:	Authorisations and Delegations amendments Agenda item Feb 2017.xlsx Authorisations and Delegations Manual 2016 2017 Agenda item Feb2017 pdf.pdf
Author:	Mrs Batsi Masaka Coordinator Governance
Proposed Meeting Date:	03 February 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the various amendments to the Delegations Manual.2016-2017 as presented.

BACKGROUND

To ensure that users have a better view and understanding of the legislative references quoted in various delegations and authorisations, snippets of the relevant legislative sections have been added to each delegation and authorisation. Legislative and grammatical changes have also been made as per the attachments.

COMMENTS/OPTIONS/DISCUSSIONS

The *Local Government Act 1995* ("the Act"), was introduced on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim is to enable local governments to provide good, open and accountable government to the community.

One of the changes was the degree of delegated authority available to be passed onto the Chief Executive Officer or a Committee in order to perform the functions of a local government.

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

An authorisation is the designation of an officer or a body as a person or body that is capable of exercising a specific statutory power or duty.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

POLICY IMPLICATIONS

4.11 LEGISLATIVE COMPLIANCE

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

RISK MANAGEMENT CONSIDERATIONS

There are statutory breaches and reputational damages that can occur if the requested amendments are not implemented.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopts the various amendments to the Delegations Manual 2016-2017 as presented.

9.2.3 PROPOSED POLICY AMENDMENTS

File Ref:	FIN 22-2 AND FAC 12-1
Attachments:	3 8 Rates Incentive Policy amended 09122016.pdf 7 1 Staff Housing Home improvements amended.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Batsi Masaka Coordinator Governance
Proposed Meeting Date:	03 February 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to approve amendments to the following policies:

3.8 Rates Incentive Policy Under the subheading policy, point 4: delete as 1st prize
7.1 Staff Housing-Home improvements Policy Under the subheading Policy, in the first paragraph after the phrase in writing to Council, a requirement has been inserted as follows: It is a requirement to ensure that works costings and a budget are established before the approval to start the work is granted.

BACKGROUND

1.3.8 RATES INCENTIVE POLICY the objective of this policy is to encourage prompt and timely payment from the rate payers instead of opting to pay instalments. This helps to increase the income for the beginning of the financial year and also promotes good public relations in the community.

2.7.1 STAFF HOUSING-HOME IMPROVEMENTS POLICY Moore Stephens conducted an audit in June 2016 and issued the Shire of East Pilbara a report on a review of risk management, legislative compliance and internal controls in July 2016. Improvement action IC 2.33 which has been incorporated into the Shire's Risk Improvement Plan requires an amendment to be made to the Staff Housing Home Improvements Policy as outlined under the Report Purpose.

COMMENTS/OPTIONS/DISCUSSIONS

1. To ensure effective risk management, legislative compliance and internal controls the Shire of East Pilbara is committed to implement the audit's recommendation and amend the **STAFF HOUSING-HOME IMPROVEMENTS POLICY** accordingly.
2. Council is requested to approve the amendments to both the **Rates Incentive and Staff Housing-Home improvements policies**.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

3.8 RATES INCENTIVE POLICY

7.1 STAFF HOUSING-HOME IMPROVEMENTS POLICY

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.

RISK MANAGEMENT CONSIDERATIONS

Risks of a financial nature are likely to occur if costings and budgets are not provided prior to the commencement of works.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve the amendment to 3.8 Rates Incentive Policy,**
- 2. Approve the amendment to 7.1 Staff Housing –Home Improvements Policy,**



3.8 Rates Incentive Policy

Responsible Directorate	Corporate Services
Responsible Officer	Manager Corporate Services
File Number	FIN 22-2

Objective

To encourage ratepayers to pay promptly, within the time limit, and to pay the full amount owing, rather than taking the instalment option. This will assist with increasing revenue for the start of the financial year, and help promote good public relations in the community.

Policy

Conditions of the Rates Incentive Prize Policy would be as follows:

1. To be eligible for the draw all outstanding amounts on the rates notice must be received on or before close of business on the due date for the single-payment option.
2. All ratepayers shall be eligible for prizes.
3. No ratepayer shall be eligible for more than one prize.
4. The Council consider at budget time a cash incentive.
5. The prize is drawn by an independent person who has no connections to the Shire of East Pilbara.
6. Sponsorship is sourced and prizes detailed to Council at budget setting time.

References			
Related Procedures	Nil		
Date Adopted by Council	28 June 2002	Item No	9.21
Review/Amendment Date		Item No	
Next Review			



7.1 Staff Housing – Home improvements

Responsible Directorate	Corporate Services
Responsible Officer	Manager Assets and Procurement
File Number	FAC 12-1

Objective

To promote staff inputs into home improvements.

Policy

Any proposed home improvement or structural alteration not considered as part of normal maintenance, or maintenance agreed to be provided by Council must be put in writing to Council. It is a requirement to ensure that works costings and a budget are established before the approval to start the work is granted. Approval for improvements or structural alterations must be sought before any work commences. The Manager Development Services – Building will inspect the works and ensure that they have been completed to the satisfaction of Council, relevant building Legislation and other requirements.

Employees who have completed additions or alterations in accordance with this policy will be entitled to a maximum reimbursement of 50% of the cost of the improvement. This is at the discretion of the Chief Executive Officer and only on the production of detailed proof of the costs involved and funding being available in Council's Budget. On determining the amount of reimbursement, Council shall have regard to the standard of improvements and depreciation factors.

In the event of any improvement necessitating removal at the time of vacation of the premises reinstatement of the property to its original condition must be completed at the occupier's cost prior to leaving the property.

References			
Related Procedures	Nil		
Date Adopted by Council	27 June 2003	Item No	9.1.3
Review/Amendment Date		Item No	
Next Review			

9.2.4 NEW POLICY 4.15 INTERNAL CONTROLS POLICY

File Ref:	LEG 2-1
Attachments:	4 15 Internal Controls Policy Draft 1.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Batsi Masaka Coordinator Governance
Proposed Meeting Date:	03 February 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the new policy 4.15 Internal Controls Policy:

BACKGROUND

1. Following the audit conducted by Moore Stephens in June 2016, the Shire of East Pilbara was issued a report on a review of risk management, legislative compliance and internal controls in July 2016. This report includes improvement action IC 1.1 which has been incorporated into the Shire's Risk Improvement Plan and requires the development of an Internal Controls Policy.

2 To ensure effective risk management, legislative compliance and internal controls the Shire of East Pilbara is committed to implement the audit's recommendation and has developed the policy accordingly.

COMMENTS/OPTIONS/DISCUSSIONS

The Internal Controls Policy serves as evidence of Council's commitment to proper and effective internal controls and their significance to the organisation.

This policy provides a basis for establishing documented internal controls that are implemented based on risk management policies and standards.

The policy ensures that Council meets its obligations under the Local Government Act 1995, related Regulations and other legislation

STATUTORY IMPLICATIONS/REQUIREMENTS

To fulfil Regulation 17 of the Local Government (Audit) Regulations 1996, the Chief Executive Officer is required to report on a review of the position of Risk Management, Internal Controls and Legislative Compliance biennially. This is in addition to the four yearly reviews required by Regulation 5(2) (c) of the Local Government (Financial Management) Regulations 1996 which also includes a review of Council's financial internal controls.

POLICY IMPLICATIONS

Policy 4.12 Risk Management Policy

Policy 1.15 Fraud and Corruption Prevention Plan

Policy 4.11 Legislative Compliance

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

RISK MANAGEMENT CONSIDERATIONS

The risks that need to be considered include but are not limited to losses caused by material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopts the new policy 4.15 Internal Controls Policy as presented.



4.15 Internal Controls Policy

Responsible Directorate	Executive Services
Responsible Officer	Deputy Chief Executive Officer
File Number	LEG 2-1

Introduction

The Internal Controls Policy serves as evidence of Council's commitment to proper and effective internal controls and their significance to the organisation.

This policy provides a basis for establishing documented internal controls that are implemented based on risk management policies and standards.

The policy ensures that Council meets its obligations under the Local Government Act 1995, related Regulations and other legislation.

The policy will aid the organisation to address the risks as outlined under the objectives.

Objectives

- To execute a risk-based approach to address and reduce the risk of loss caused by material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets.
- To protect the Shire of East Pilbara's assets – people, property, reputation, financial sustainability and information.
- To frequently audit, identify gaps in the system and improve internal controls maintained at the Shire of East Pilbara.

DEFINITIONS / ABBREVIATIONS USED IN POLICY

Internal Control

Systems of policies and procedures that protect assets, ensure correct and consistent financial reporting, promote legislative compliance and achieve operations that are efficient and effective Other than accounting and reporting, the systems are also inclusive of internal and external organisational processes as well as staff management and error handling.

POLICY

To ensure the appropriateness and effectiveness of the policy the following aspects apply:

- It is applicable to all Staff and Contractors; working for the Shire. of East Pilbara.



- All staff is accountable for the implementation of systems, controls, processes and procedures in their different areas of responsibility and play a role in the internal control structure at varying degrees.
- It is the responsibility of the Audit Committee and Council to mandate that a robust internal control framework is enforced to ensure organisational good governance.
- The Chief executive officer will provide regular reports to the Audit Committee and Council on the review and improvement to Council's internal control framework.

Monitoring, Reviewing and Reporting:

- The monitoring and reviewing procedure will ensure provision of biannual reports to management, the Audit Committee and Council regarding the position of Risk Management, Internal Controls and Legislative Compliance within the Shire of East Pilbara to ascertain the necessity for precise areas to be reviewed.
- To fulfil Regulation 17 of the Local Government (Audit) Regulations 1996, the Chief Executive Officer is required to report on a review of the above three areas biennially. This is in addition to the four yearly review required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 which also includes a review of Council's financial internal controls.

References	Local Government (Financial Management) Regulations 1996 – Regulation 5 Local Government (Audit) Regulations 1996 – Regulation 17		
Related Procedures	Policy 4.12 Risk Management Policy Policy 1.15 Fraud and Corruption Prevention Plan Policy 4.11 Legislative Compliance		
Date Adopted by Council		Item No	
Review/Amendment Date		Item No	
Next Review			

**9.2.5 COMMITMENT TO THE FUTURE CONSTRUCTION OF THE NEWMAN
FAMILY AND YOUTH SERVICES HUB**

Attachments:	FW IAS17-35156 - FW Newman Child and Family Hub.msg
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Pip Parsonson Manager Community Wellbeing
Proposed Meeting Date:	03 February 2017
Location/Address:	1322 Hilditch Avenue NEWMAN
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek a statement by Council that demonstrates its clear commitment to the future construction of the proposed Newman Family and Youth Services Hub.

BACKGROUND

In December 2014 Council endorsed the findings of The Way Forward – Improving Youth, Family and Children’s Services in Newman (Item 9.2.17, Resolution 201516/128) and supported the development of a business plan (including feasibility assessments) for the development of Family, Children and Youth Infrastructure in the East Pilbara (Item 9.2.18, Resolution 201516/129).

In January 2016 Council endorsed the Concept Plan which had been prepared for the Newman Family and Youth Services Hub and also endorsed the recommendation that Shire Officers pursue the required funding associated with the development of the Newman Family and Youth Services Hub. (Item 11.1.1, Resolution 201617/149).

In October 2016 Council endorsed the recommendation concerning the awarding of Tender 10-2015/16 to JCY Architects and Urban Designers for the provision of architectural services only, up to a value of \$279,000 (Item 11.2.1, Resolution 201617/79).

COMMENTS/OPTIONS/DISCUSSIONS

The decisions of Council on the matter of the development of the Newman Family and Youth Services Hub as outlined above indicate a strong commitment to the project by the Council. Due to the timing and circumstances affecting external funding outcomes a more definitive statement is sought from Council on its commitment to the project to maximise funding source opportunities for the project in the coming years.

The table below sets out the anticipated funding sources and amounts for the Newman Family and Youth Services Hub and summarises the current status of issues impacting on applications moving forward.

Funding source	Amount	Comments
Pilbara Development Commission – R4R	\$4 mil	The Hub and the funding is identified under a broader PDC Cabinet Submission already endorsed by State Cabinet, the Pilbara Place Making Framework. Regrettably the individual Business Case for the Hub did not make it onto the agenda at the last Cabinet meeting and the Shire has been advised by PDC that it will not be considered now until after the 11 March election
BHPB	\$4 mil	BHPB has informed the Shire that they are not in a position to advise on their contribution until the new financial year
Building Better Regions Fund (BBRF)	\$3 mil	This Federal fund is now open and closes on 28 February. Note: Due to the remote classification of Newman the BBRF can contribute up to 75% of total project costs.
LotteryWest	\$1.5 mil	Confirmed. (Conditional on confirmation of full co-funding)
TOTAL	\$12.5 mil	

A conundrum exists whereby the Federal Government is not committing to more than one round of the BBRF even though it has been announced as a four year program. Their formal advice on the question of future rounds provided in information sessions currently being delivered around the country is;

“Will there be other rounds?”

The BBRF program is appropriated over four years but a decision on the number of rounds is a matter for the Government. You can register on business.gov.au for updates regarding any future rounds of the program.”

(Source: business.gov.au website – Transcription of BBRF Infrastructure Stream information session)

Accordingly there is some concern that there may not be future BBRF funding rounds. This could possibly due to the total allocation of the program being exhausted in the first round or perhaps for other reasons. Regardless, Federal funding is considered critical to raising sufficient funds for the project and as such an application to BBRF in the current round is considered imperative.

Adding complexity to the funding situation is the delay to the PDC / R4R and the BHPB funding outcomes while at the same time the BBRF application requires formal documentation confirming co-funding at the time of application.

As Newman is classified as ‘Very Remote’, the BBRF is able to fund up to 75% of total program funding. This potentially reduces our dependence on other co-funding contributors but not in totality. Theoretically an alternate funding source composition could be the following.

Funding source	Amount
BBRF	\$ 9 mil
LotteryWest	\$1.5 mil
PDC or BHPB or Shire (Any combination)	\$ 2 mil
TOTAL	\$12.5 mil

A documented formal commitment by the Shire to construct the Newman Family and Youth Services Hub along with the confirmed LotteryWest funding may be sufficient for the Shire to lodge a complying funding application to the BBRF.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.3 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

2.3.2 Develop and implement youth projects

Partnering With: Federal Government, State Government, Industry and NGO's

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
Partnering With: Federal Government, State Government, Industry, NCCI, other relevant stake holders
Responsible officer: MBA
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

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

A significant contribution to the project by the Shire, over and above what has already been provided by way of community consultation, strategic planning and architectural concept plans and drawings, has not been budgeted for and is not identified in the Shire's Long Term Financial Plan.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

1. **Approve the following statement being released to the BBRF and any other funding bodies as appropriate, as supporting documentation for funding applications to construct the Newman Family and Youth Services Hub.**

"The Shire of East Pilbara is fully committed to the construction of the Newman Family and Youth Services Hub and will consider alternative funding sources including the possibility of securing a loan for \$2 million in the event that identified co-funding sources are not confirmed in 2017."

2. **The consideration of a loan for the Newman Family and Youth Service Hub be included in the next review of the Long Term Financial plan.**

9.2.6 MONTHLY FINANCIAL REPORT - NOVEMBER 2016

Attachments:	November 2016 Financial Report.pdf November 2016 Variance Report.doc November 2016 Asset Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Proposed Meeting Date:	03 February 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 14-page report details the financial activities of the Council for the period 1st November 2016 to 30th November 2016 of the 2016/2017 financial year

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as contained in the attached Variance Report:

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions

Section 6.4(2)

“The financial report is to –

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

Local Government (Financial Management) Regulations 1996

Part 4 Financial reports

Reg 34(1) -

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

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

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

STRATEGIC COMMUNITY PLAN

Nil

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

RISK MANAGEMENT CONSIDERATIONS

This report is part of ensuring that risk matters are reviewed periodically.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1st November 2016 to 30th November 2016 of the 2016/2017 financial year as presented be received.

9.2.7 MONTHLY FINANCIAL REPORT - DECEMBER 2016

Attachments:	December 2016 Financial Report.pdf December 2016 Asset Variance Report.doc December 2016 Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Proposed Meeting Date:	03 February 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 14-page report details the financial activities of the Council for the period 1st December 2016 to 31st December 2016 of the 2016/2017 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

STRATEGIC COMMUNITY PLAN

Nil

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

RISK MANAGEMENT CONSIDERATIONS

This report is part of ensuring that risk matters are reviewed periodically.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1st December 2016 to 31st December 2016 of the 2016/2017 financial year as presented be received.

9.2.8 CREDITORS FOR PAYMENT

File Ref: FIN10-2

Attachments: [Schedule of Accounts Chq 1.pdf](#)
[Schedule of Accounts EFT 1.pdf](#)
[Schedule of Accounts Manual Cheque 1 pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Noelene Holmes
Coordinator Financial Services

Proposed Meeting Date: 03 February 2017

Location/Address: N/A

Name of Applicant:

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 9th December 2016.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	#35836 to #36758	\$5,163,546.94
	Total	\$5,163,546.94
Cheque Payments	#24194 to #24227	\$19,246.98
Manual Cheques	#292 to #297	\$1,652.75
	Total	\$20,899.73
	GRAND TOTAL	\$5,184,446.67

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

Chq #'s 24204 24205 24206 24207 24213 24215

CANCELLED CHEQUES & EFTS

EFT#'s 35973 36001 36420 36458 36540 36596 36674 36693 36696 36726

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

Nil

STRATEGIC COMMUNITY PLAN

Nil.

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Total expenses of \$5,184,446.67

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	#35836 to #36758	\$5,163,546.94
	Total	\$5,163,546.94
Cheque Payments	#24194 to #24227	\$19,246.98
Manual Cheques	#292 to #297	\$1,652.75
	Total	\$20,899.73
	GRAND TOTAL	\$5,184,446.67

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISION - DECEMBER 2016**

File Ref: CLR-4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
Division 2 Local governments and councils of local governments
Section 2.7

- (1) The council –
 - (a) governs 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.

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Director Technical and Development Services "Status of Council Decisions" Report for the month of December 2016 be received.

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

3 FEBRUARY, 2017

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin	MDS-P	Refer to Information Bulletin	In Progress
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – newman - Cr Shane Carter	MDS-P	Refer to Information Bulletin	In Progress
27 th May 2016		BBQ AT NULLAGINE LOOKOUT Cr Biddy Schill commented that the BBQ at the Nullagine lookout is not working.	DTDS TSOA	<ul style="list-style-type: none"> • BBQ to be located at Wi-Fi toilet hotspot opposite hotel. • Final signage to be installed when new BBQ is in place. • Quotes to be finalised and unit ordered. 	Mar 2017
26 August 2016	13.4	NEWMAN AIRPORT LUGGAGE TROLLEY Cr Gerry Parsons asked if it was possible to get a couple of luggage trollies at Newman Airport as she has had requests from the community.	MDA	Design and detail costings will be developed for a low volume number (15) of trollies and associated trollies bays (3) and infrastructure. A capital budget of \$15k will be included in the budget review for consideration.	Mar 2017
28 th October 2016	13.5	TESTING OF THE DUST IN NEWMAN Cr Shane Carter asked if it was possible to test the dirt at Orebody 25, 29 & 35. Mr Allen Cooper, CEO replied, a formal request has been submitted to DER and is waiting for the testing equipment to be relocated to Newman.	MDS-H	DER have confirmed that they will run a 12 month monitoring program for 12 months at 2 sites yet to be determined, provided the shire commits to collect , pack and freight the samples every 2 weeks. Will include dust levels , dust types and asbestos fibres. Details of results will be provided through Council information bulletins. DER have confirmed that a draft air quality monitoring plan has been developed by their Air Quality Services area for Newman. The draft plan requires Director General/Executive Approval and is being presented which is now being sought. Additional specifics and a copy of the plan for review will be sent to shire as soon as possible.	Feb 2017
28 th October 2016	13.6	RUBBISH BINS AFTER THE BLOODYSLOW CUP Cr Jay Ahmedi asked for future Bloodyslow Cup events, is it possible to have extra rubbish bins as the bins were overflowing especially at the cricket oval.	MRE MTS-N MDS-H	Sixty Wheelie Bins and Two Skip Bins were provided by Cleanaway as extra bins for the event. However, spectator numbers were greater than the previous year. Event organisers will be advised to consider this when planning the 2017 event.	COMPLETE

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

3 FEBRUARY, 2017

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 th October 2016	13.7	GARDEN BED NEWMAN DRIVE Cr Lynne Craigie said the garden beds on Newman Drive, next to the Chicken Treat Van needs attention.	DTDS	Will discuss options with staff and BHP and prepare some costings and design.	Mar 2017
28th October 2016	13.3	WATER AT THE DOG PARK Cr Shane Carter asked if it was possible to get a drinking tap in the dog park.	DTDS MDS-H MTS-N	With changed design we can install a drinking tap. Quotes are being obtained and can be funded from account streetscape projects.	Mar 2017
9 December 2016	13.1	KALGAN DRIVE – TREES DYING Cr Shane Carter commented that some of the trees along Kalgan Drive appear to be dying and may need attention?	MTS-N	There were bubbler issues and fixed by the depot's P & G crew before the last Council meet, trees should be back to "green" mode shortly. Also, FYI, a few trees were replanted from town centre to Kalgan DR and some stumps (close to Kalgan's Rest Acco) to be removed and new plants to be placed by end of January.	COMPLETE
9 December 216	13.5	SIGNAGE REGARDING NEWMAN TOWN Cr Lynne Craigie asked if it is possible for signs to be erected on Great Northern Highway to advise of what services are available in Newman.	DTDS MDS-P	To be further researched	Mar 2017

**9.3.2 PERMISSION TO COLLECT NATIVE SEED FROM LAND VESTED IN THE
MANAGEMENT AUTHORITY OF THE SHIRE OF EAST PILBARA**

Attachments: [Permission to Collect Native Seed](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Edmore Masaka
Manager Development Services - Health
Proposed Meeting Date: 03 February 2017
Location/Address: Greening Australia WA
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider giving approval to Greening Australia, WA to collect native seed from within reserves vested in the Shire of East Pilbara

BACKGROUND

Council received a letter on the 22 July 2016, from Greening Australia, WA, requesting permission to collect native seed from within reserves vested with the Shire of East Pilbara for a period of twelve month period beginning July 2016. However due to an administrative omission, a response to this letter was not processed. In December 2016, the Manager Development Services-Health contacted Greening Australia to explain the delay and to confirm whether they still wished to proceed with the seed collection. On 10 January 2017, Greening Australia sent an email below to confirm that they still wished to proceed with the seed collection.

From: TracyAchemedei[mailto:TAchemedei@greeningaustralia.org.au]
Sent: Tuesday, 10 January 2017 2:41 PM
To: EdmoreMasaka
Subject: seed permission

Hi Edmore,

As per your enquiry last year see below our request - I am quite happy for it to remain the same dates as we will be sending a new request out in June anyway to all the shires. I have attached a proforma response letter for you.

Environmental Officer
Shire of East Pilbara
Cnr Kalgan & Newman Drives
Newman WA 6753

Re: Permission to collect native plant seed from land vested in the management authority of the Shire of East Pilbara

Dear Sir/Madam,

On behalf of Greening Australia WA (GAWA), I am seeking permission to collect native seed from within reserves vested to your shire.

I request this permission for relevant, appointed staff of GAWA, involved in our valuable land rehabilitation programs.

All staff employed by GAWA undergo significant training in all aspects of seed collection, and are licensed under the Wildlife Conservation Act (1950). Any person collecting seed on behalf of GAWA is required to abide by the conditions of this licence.

Seed collected from within your reserves will be utilised in strategic re-vegetation projects throughout the region, and will directly benefit the community as a whole. Some seed may also be used for the purposes of research into best practice re-vegetation and development of tree cropping programs for the region.

We are seeking this permission for a twelve month period beginning July 2016.

I have attached a draft letter of permission for your convenience and consideration. Should this letter require further clarification, I may be contacted as detailed below.

I look forward to your favourable response.

Kind Regards

Tracy Achemedei | Office Manager | Greening Australia
1 Underwood Avenue, Shenton Park, WA 6008
P 08 92878301 | M 0414 550 718 | W www.greeningaustralia.org.au



Seed collected from within the Shire of East Pilbara reserves will be utilised in strategic re-vegetation projects throughout the region, and will directly benefit the community as a whole

COMMENTS/OPTIONS/DISCUSSIONS

Council has approved the collection of native seed, at the June 2014 Council meeting was approved, copy of the item attached.

The collection of native seed is not covered in the Council's Policy Manual or Delegations Manual.

West Australian native flora and fauna is protected under the *Wildlife Conservation Act 1950*, and the taking of flora for any purpose requires a licence. That licence

shall be accompanied by written permission from the owner of the land or authority having care or control of the land.

Greening Australia, WA are licensed under the Wildlife Conservation Act (1950). Any person collecting seed on behalf of GAWA is required to abide by the conditions of the licence.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 3 Functions of local governments – Division 3 – Executive functions of local governments – section 3.54

3.54 Reserves under control of a local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

[Section 3.54 amended by No. 49 of 2004 s.74(4).]

Wildlife Conservation Act 1950

23A. Property in protected flora on Crown land

- (1) The property in protected flora on Crown land, until lawfully taken, is, by virtue of this Act, vested in the Crown.*
- (2) The provisions of subsection (1) do not entitle any person to compensation.*

[Section 23A inserted by No. 86 of 1976 s.12]

23B. Protected flora on Crown land not to be taken without a licence

- (1) A person shall not on Crown land wilfully take any protected flora unless the taking of the protected flora is authorised by, and carried out in accordance with the terms and conditions of, a licence issued to him under section 23C.*
- (2) In any proceedings for an offence against subsection (1) it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner.*

[Section 23B inserted by No. 86 of 1976 s. 13 (as amended by No. 28 of 1979 s.5); amended by No. 57 of 1997 s. 132(23).]

23C. Licences to take protected flora on Crown land

- (1) Any person may, in the prescribed form containing or accompanied by the prescribed particulars and on payment of the prescribed fee, apply to the*

Minister for the issue to him of a licence to take protected flora on Crown land

-
- (a) for commercial purposes; or*
- (b) for scientific purposes or any prescribed purpose,*
and the Minister may issue or refuse to issue such a licence.
- (2) Subject to this section a licence issued authorises the licence holder, subject to such terms and conditions as are specified in the licence, to take for the purposes so specified on such areas of Crown land as are so specified and during such period or periods as are so specified, the classes or descriptions of protected flora so specified.*
- (2a) Subject to subsection (5), a licence is valid from the date of issue for the period stated in the licence.*
- (3) Without limiting the terms or conditions which may be included in a licence issued under this section, the terms and conditions on which a licence to take protected flora for commercial purposes may be granted may include terms or conditions –*
 - (a) providing that flora taken under the authority of the licence be charged with payment of royalties to the Chief Executive Officer by the licence holder at such rate or rates as are specified in the terms or conditions;*
 - (b) requiring the licence holder to ensure that any protected flora taken pursuant to the licence is marked, tagged or otherwise made identifiable as flora taken by him*
- (4) Any royalties payable pursuant to the terms and conditions of a licence issued under this section –*
 - (a) shall be credited by the CEO to the Nature Conservation and National Parks Account referred to in the Conservation and Land Management Act 1984 section 68(1); and*
 - (b) may be sued for and recovered by the CEO as a debt due to him in his capacity as such.*
- (4a) The Minister may reduce or waive the fee payable in respect of a licence issued under this section.*
- (5) The Minister may at any time, by notice in writing served on a person to whom a licence has been issued under this section, revoke the licence, but the revocation does not affect any liability or obligation incurred by the period prior to the revocation.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

RISK MANAGEMENT CONSIDERATIONS

Low risk impact on Shire operations

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the request from Greening Australia, WA to collect native seeds from within reserves vested to the Shire of East Pilbara, subject to the following conditions of this licence;

- a) All persons collecting native seeds are licenced according to the *Wildlife Conservation Act 1950*, and will abide by the conditions of such licence.**
- b) Permission is granted for a twelve month period beginning 1st July 2016 to 30th June 2017.**
- c) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;**
- d) All care to be taken to avoid the disturbance of fauna habitat; and**
- e) All care to be taken to avoid any disturbance that may lead to soil degradation.**

9.3.3 RFT 10-2016/2017 INSTALLATION OF CULVERTS RETENDERED

Attachments: [Confidential under separate cover](#)

Responsible Officer: Mr Rick Miller
Director Technical & Development Services

Author: Mr Rick Miller
Director Technical & Development Services

Proposed Meeting Date: 03 February 2017

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider awarding Tender RFT 10-2016/17 to Install 300 metres of reinforced and interlocking box culverts and to clean up to 600 metres of open drain in Newman Drive. To seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract of the successful tenderer.

BACKGROUND

The Shire of East Pilbara adopted 2016/17 budget included capital drainage improvement project which is to install 300 metres of reinforced and interlocking box culverts and to clean up to 600 metres of open drain in Newman Drive.

At the Ordinary Council meeting held on the 9 December 2016 it was resolved:

“THAT Council

- 1. Delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 3rd February 2017, up to the values detailed in Table 1.*

Table 1

<i>Tender No.</i>	<i>Description</i>	<i>Fund Source</i>	<i>Account Expenditure</i>	<i>Account Budget (ex GST)</i>
<i>RFT 08-2016/17</i>	<i>To install 300 metres of reinforced and interlocking box culverts and to clean 600 metres of open drain through vegetation removal and disposal in Newman Drive.</i>	<i>Municipal</i>	<i>GL 129577 \$280k GL 121008 \$122.8k</i>	<i>\$402,800</i>
<i>RFT 09-2016/17</i>	<i>Provision of Comprehensive Car Park Support Services for Newman Airport</i>	<i>Airport</i>	<i>GL 121414</i>	<i>\$126,500</i>

- 2. Approve the Common Seal to be affixed under delegated authority to CEO for the contract between the Shire of East Pilbara and the successful tenderer/s.”*

This contract was awarded under delegated authority but, the successful contractor after a further site assessment indicated that they had completely under estimated some of the local challenges and withdrew from the contract. This was most unfortunate and staff after assessing options determined that in order to meet the

works program timelines that it should be readvertised and awarded as soon as practical.

The tender was advertised in the West Australian on the 10/12/16 and tenderlink portal. The tender closed on the 6/01/17 and for conforming tender were received and the tenders assessed with details in the attached confidential recommendation report.

COMMENTS/OPTIONS/DISCUSSIONS

In light of the previous contractor withdrawing and reasons cited, officers reviewed information supplied and highlighted and emphasised to contractors to fully understand any constraints and to adapt and cost this in to their tender. Staff are satisfied that the recommended tenderer fully understands what is needed and how to deliver the project for the tendered price.

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

3.14 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
Responsible officer: DCEO
Timing: As appropriate
 - 1.1.2 Continued strong financial management
Responsible officer: DCEO
Timing: 1 year
 - 1.1.3 Effective business management
Responsible officer: DCEO
Timing: 1-3 years

Goal 3 – Economic – Planned Actions

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

- 3.1 Business diversification and promotion
- 3.1.2 Build a thriving and diverse economy
 - Partnering With: State Government, Industry, NCCI, other relevant stake holders
 - 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
- 4.2.1 Cultivate clean green towns
 - Partnering With: State Government, Industry, Community
 - Responsible officer: MCW
 - Timing 1 year

RISK MANAGEMENT CONSIDERATIONS

The risk to Council reputation will be increased by not taking opportunity to avoid seasonal constraints and maintaining continuous operations. By awarding contract/s as soon as practical will reduce the risk of not completing the works in accordance with Council policy requirements.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. **Award Tender RFT 10-2016/17 to Install 300 metres of reinforced and interlocking box culverts and to clean up to 600 metres of open drain through vegetation removal and disposal, Newman Drive Newman WA 6753 to ARGONAUT ENGINEERING and CONSTRUCTION for the tendered price of \$143,239.08 inc GST.**
- 2 **Approve the Chief Executive Officer to apply the Common Seal of the Shire of East Pilbara to the contract between the Shire of East Pilbara and ARGONAUT ENGINEERING and CONSTRUCTION.**

9.3.4 NEWMAN AIRPORT RFT 09-2016/17

Attachments: [Confidential under separate cover](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Salomon Kloppers
Manager Development Airports
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider the submission of tenders for the provision of comprehensive car park support services for Newman Airport and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

The Shire of East Pilbara requires the services of a registered company to undertake Comprehensive Car Park Support Services for Newman Airport.

This Service is for the following Five key elements:

1. Maintenance of the car parking system;
2. Parts replacement of existing;
3. Provision of reporting on car park systems and usage;
4. Provision of off-site monitoring services;
5. Provision of general consulting and value-add services (Sp

The Request for Tender (RFT) was advertised in the West Australian newspaper on Wednesday 26 October 2016 including the Tenderlink portal. The RFT closing date was 2pm on 23 November 2016.

The following submission was received:

Tenderer	ABN:	Address:
Wilson Parking Australia 1992 Pty Ltd	67 052 475 911	KPMG House, 235 St Georges Terrace Perth, WA

The Tenders were assessed by the Evaluation Panel which included the Manager Development Airports, Corporate Support Officer and a Consultant.

Tender cost details is included in the confidential recommendation report attachment as information submitted is commercial in confidence.

COMMENTS/OPTIONS/DISCUSSIONS

Considering the detail and comments on each submission as contained in the confidential attachment will be recommended that the Tender be split.

Clause 1.10 of the Tender states that the Shire may accept or reject any part of the Tenders. After Tender assessment the officers believe it will be most advantageous to Council to split the Tender.

The recommendation is that Wilsons Parking be awarded the following parts of the Tender:

2.3.3 Provision of reporting on car park systems and usage;

2.3.4 Provision of off-site monitoring services; and

2.3.5 Provision of general consulting and value-add services.

It will be further recommended that Council not award the following parts of the Tender:

2.3.1 Maintenance of existing Paid Parking Infrastructure System; and

2.3.2 Parts replacement of existing system.

The maintenance areas will be further investigated once the monitoring and reporting services have been awarded.

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

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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 - \$149,999	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:

1. Any item budgeted as a capital item in the adopted budget;
2. 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 \$150,000. If the purchase is in excess of \$150,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

1. Deputy Chief Executive Officer
2. Director Technical & Development Services
3. 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;

1. Managers
2. 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.

1. Coordinators
2. 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.

Other officer's in line with relevant procedures will have authority to authorise purchases to the value of \$2,000.

Light Vehicle Purchases

The designated Fleet Officer is authorized to purchase light vehicles under \$150,000 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 \$150,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$150,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$150,000) 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:

1. Valuation by the auction house.
2. Valuation from a recognised source ie: red book.
3. Internet research.
4. 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

Regulatory Compliance

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

7. An emergency situation as defined by the Local Government Act 1995;
8. 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;
9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
12. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.
13. The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.

14. The goods or services are obtained through an Australian Disability Enterprise.

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th 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

Nil

RISK MANAGEMENT CONSIDERATIONS

The Shire requirements for procurement and purchasing have been complied with.

There is a small risk that the car park income may reduce over time to below the cost of keeping it operational, but that would represent a catastrophic decline in passengers over a very short time. This risk is deemed unlikely..

Should the vendor not perform the Shire has the right to end the Agreement following due process.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Award Tender RFT 09-2016/17 Provision of Car Park Support Services for Newman Airport, parts 2.3.3, 2.3.4 and 2.3.5 to Wilson Parking Australia 1992 Pty Ltd at the tendered price of \$18,000 (ex gst) per year for a period of two years with an optional one year extension.**
- 2. Not award Tender RFT 09-2016/17 Provision of Car Park Support Services for Newman Airport, parts 2.3.1 and 2.3.2.**
- 3. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract between the Shire and Wilson Parking Australia 1992 Pty Ltd with respect to this tender.**

**9.3.5 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDERS
FOR PERIOD TO 17 MARCH 2017**

File Ref: LEG-13-6
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Bhavesh Modi
Manager Technical Services - Newman
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider delegating authority to the CEO to award or reject subject tenders for the period up to the next Council meeting to be held on 17 March 2017. This is to assist in the efficient and timely delivery of the annual works program and continue ongoing maintenance of infrastructure. For Council to approve the Common Seal to be affixed under delegated authority to the CEO for the contract between the Shire of East Pilbara and the successful tenderers.

BACKGROUND

The works incorporating drainage installation and fixing of failed pavement sections are to align with *the Shire of East Pilbara Strategic Community Plan 2013-2022* "Our Planned Actions- 3.3 "Provide Adequate Community Infrastructure".

Water pooling issues in various streets of Newman being noticed and listed by the Newman depot which causing a number of pavement section failures and risks to traffic on those streets. Therefore, the depot engaged engineering consultant GHD to study drainage capacity of the existing drainage infrastructure in town and to identify issues/deficiencies in them. For the FY 2016/17, the depot proactively listed Ethel Creek St, Burrows St, Mindarra Dr and Daniels Dr, including connecting streets like Eagle Rock Turn, Ophthalmia Cr and Kalamina Vsta which were part of the East Newman Development Stage1A pavement fixing project as agreed by the Shire and the Landcorp, to install new drainage, should drainage study outcomes recommend it, and fix identified failed pavement sections. And, as anticipated by the depot, these entire streets based drainage infrastructure identified under capacity by GHD which would need new drainage infrastructure to efficiently drain rain water off the streets.

Furthermore, the budget, for these projects, for the 2016-17 financial year were adopted at Council meet held on 24 July 2016 which included the following accounts;

Project 1- Pavement Failure and Drainage Works-East Newman Stage 1A-

GL	Description	Budget
129615	Pavement Failure and Drainage Works-East Newman	\$575,000
Total Budget		\$575,000

Project 2- Pavement Failure and Drainage Works-Ethel Creek St, Burrows St and Mindarra Dr.

GL	Description	Budget
129616	Pavement Failure and Drainage Works-Ethel Creek St	\$140,000
129617	Pavement Failure and Drainage Works-Mindarra Dr	\$200,000
129618	Pavement Failure and Drainage Works-Burrows St	\$100,000
Total Budget		\$440,000

Tender for each of the above mentioned project will be advertised in early February 2017 to undertake the procurement for the services of Civil contractors for drainage and pavement works for the Shire of East Pilbara.

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 or reject tenders for the following projects up to the nominated values per approved 2016/17 budget allocations:

Tender No.	Description	Fund Source	Account Expenditure	Account Budget (ex GST)
RFT 11-2016/17	To supply and install 350 metres of reinforced concrete pipes, with 8 new stormwater pits, and to fix failed pavement sections and install asphalt in East Newman Stage 1A.	Landcorp + R2R	GL 129615 (\$375K Landcorp + \$200K R2R)	\$575,000
RFT 12-2016/17	To supply and install 810 metres of reinforced concrete pipes, with 20 new stormwater pits, and to fix failed pavement sections and install asphalt carpet in Ethel Creek St, Burrows St and Mindarra Dr.	R2R	GL 129616 + GL 129617 + GL 129618= (\$140K + \$100K + \$200K)	\$440,000

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).

Part 5 - Administration (Division 4 – Local government employees) 5.42.

Delegation of some powers and duties to CEO (pg 153)

- (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 153)

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

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th 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.

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) _____

10.12 PURCHASING AND TENDER PROCEDURE



10.12 Purchasing and Tender Procedures

Responsible Directorate	Technical and Development Services
Responsible Officer	Chief Executive Officer Deputy Chief Executive Officer Director Technical and Development Services
File Number	TCH 1-7

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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 - \$149,999	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.



\$150,000 & 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.
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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:

1. Any item budgeted as a capital item in the adopted budget;
2. 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 \$150,000. If the purchase is in excess of \$150,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

1. Deputy Chief Executive Officer
2. Director Technical & Development Services
3. 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;

1. Managers
2. 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.

1. Coordinators
2. 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.

Other officer's in line with relevant procedures will have authority to authorise purchases to the value of \$2,000.

Light Vehicle Purchases

The designated Fleet Officer is authorized to purchase light vehicles under \$150,000 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 \$150,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$150,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$150,000) 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:

1. Valuation by the auction house.
2. Valuation from a recognised source ie: red book.
3. Internet research.
4. 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

Regulatory Compliance

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

7. An emergency situation as defined by the Local Government Act 1995;
8. 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;
9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
12. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.
13. The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.
14. The goods or services are obtained through an Australian Disability Enterprise.

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 3 – Economic – Planned Actions

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

- 3.1 Business diversification and promotion
 - 3.1.2 Build a thriving and diverse economy
Partnering With: State Government, Industry, NCCI, other relevant stake holders

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
 - 4.2.1 Cultivate clean green towns

RISK MANAGEMENT CONSIDERATIONS

The risk to Council reputation will be increased by not taking opportunity to avoid seasonal constraints and maintaining continuous operations. By awarding contract/s as soon as practical will reduce the risk of not completing the works in accordance with Council policy requirements.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Funding for this project will be sourced from accounts GL 129615 Pavement Failure and Drainage Works-East Newman \$575,000 and GL 129616 Pavement Failure and Drainage Works-Ethel creek St \$140,000, GL 129617 Pavement Failure and Drainage Works-Burrows St \$100,000 and GL 129618 Pavement Failure and Drainage Works-Mindarra Dr \$200,000.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

1. THAT Council Delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 17th March 2017, up to the values detailed in Table 1.

Table 1

Tender No.	Description	Fund Source	Account Expenditure	Account Budget (ex GST)
RFT 11-2016/17	To supply and install 350 metres of reinforced concrete pipes, with 8 new stormwater pits, and to fix failed pavement sections and install asphalt carpet in East Newman Stage 1A.	Landcorp + R2R	GL 129615 (\$375K Landcorp + \$200K R2R)	\$575,000
RFT 12-2016/17	To supply and install 810 metres of reinforced concrete pipes, with 20 new stormwater pits, and to fix failed pavement sections and install asphalt carpet in Ethel Creek St, Burrows St and Mindarra Dr.	R2R	GL 129616 + GL 129617 + GL 129618= (\$140K + \$100K + \$200K)	\$440,000

2. Approve the Common Seal to be affixed under delegated authority to CEO for the contract between the Shire of East Pilbara and the successful tenderer/s.

**9.3.6 DEVELOPMENT APPLICATION FOR NEW SEED STORAGE WAREHOUSE
AT 8 FRANCIS STREET MARBLE BAR**

File Ref: A200220
Attachments: [Site Floor Plan and Elevations](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 03 February 2017
Location/Address: 8 Francis Street, Marble Bar
Name of Applicant: SE & NA Johns
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to determine under Deemed Provision 68 of Town Planning Scheme No.4 an Application for Development Approval for the construction of a seed storage warehouse at 8 Francis Street, Marble Bar.

BACKGROUND

The owners of 8 Francis Street, Marble Bar are proposing to construct a 14m x 20m steel-clad storage shed to provide a climate-controlled native seed storage warehouse. The stored seed is intended for use on mine site revegetation projects in the region. Plans of the proposed warehouse are attached.

The subject site was previously the location of the Marble Bar General Store. Whilst an original storage shed remains located towards the rear of the lot, the main general store building was demolished some years ago and the site has been left vacant. The plan below shows the location of the site in relation to other main buildings in the centre of Marble Bar.



The site is zoned 'Town Centre' by Shire of East Pilbara Town Planning Scheme No.4 (the Scheme). The proposed seed storage use is best defined by the Scheme as a 'warehouse', being a building used for the storage of goods and the carrying out of commercial transactions involving the sale of goods by wholesale. A warehouse use is permissible in the Town Centre Zone, subject to the granting of discretionary development approval ('D' use).

The application proposes the construction of a 20m x 14m steel shed that will be insulated and air conditioned to provide a controlled environment for seed storage. Plans of the development are attached. The shed will incorporate 2m-wide verandahs along all elevations. As part of the development, the existing shed at the rear of the property will be reclad and used for general storage. The site will be secured through the installation of fencing. Along the front boundary to Francis Street, a 1.8m high 'garrison' fence is proposed. Other boundaries will be provided with 1.8m high Colorbond® fencing.

The applicant has provided the following background to the development:

We are a locally based native seed supplier, supplying native seed to Pilbara Mining Companies for their rehabilitation purposes.

Currently seed is sent south for storage and we would now like to store it ourselves at 8 & 8b Francis Street.

The seed must be stored in a controlled environment using air conditioning and dehumidifier. A remote smart phone sensor will be installed for security and monitoring temperature and humidity.

100mm cool room panelling will be used for internal walls and ceiling.

Apart from adding and removing seed from store, the site will only be entered approximately once a week.

Approximately 10 tonne of seed will be stored at any time.

The existing shed will be reclad and utilised for general storage.

Whilst the development application meets the parameters for approval under delegated authority, Council officers have determined that Council consideration is appropriate given the prominent location of the site within the Marble Bar main street.

No public advertising of the proposal was required by the Scheme.

COMMENTS/OPTIONS/DISCUSSIONS

The site is located in the main street of Marble Bar on a prominent site. Whilst the Scheme does not preclude approving the development, it is prudent that Council ensure that it contributes in a positive way to the streetscape. It is recommended that Council require landscaping in the area between the shed and front boundary. This will ensure the new warehouse establishes itself into the streetscape in a manner similar to premises on the opposite side of Francis Street.

To allow for the front room of the shed to be used as an office or retail space in the future, it is recommended that Council require windows to be included in the front wall of the shed. The inclusion of windows will also soften the appearance of the shed when viewed from the street. The use of windows will make the building less 'shed-like' and more consistent with other buildings in the vicinity.

The current proposal calls for the south eastern verandah to be up against the side boundary. As the shed will be used for commercial purposes, the fire separation requirements of the Building Code of Australia will require a setback of 3m or the side wall to be fire rated. This may require the verandah to be removed from this side of the building. Placement of a condition on the development approval to require compliance with the fire separation requirements of the building code is not required. In the event that the south eastern verandah is deleted, the proposed Colorbond® fence will provide an effective screen to any setback area created. The screening is considered important given the prominent location of the site and will ensure any stored equipment or materials are not in full view from the street.

The colours to be used for the new warehouse and reclad existing shed have been stipulated by the applicant as Surfmist® (an off-white colour) with Deep Ocean® trim (a deep blue). These colours are consistent with the cream colours used on other buildings in the vicinity. The solid panel fencing will be Surfmist® to match. The front garrison fencing will be black.

Although intended as a seed storage warehouse, the design of the shed is such that it could be refitted for other commercial uses in the future should this be required. Given this 'robust' design, the development is considered to be appropriate for a prominent site in the main street. The design of the building using steel materials in a predominantly light colour is consistent with other buildings in the street and will not detract from the heritage character of Francis Street. Approval of the application is recommended.

STATUTORY IMPLICATIONS/REQUIREMENTS

Council will determine this application in accordance with its powers under the Planning and Development Act 2005 and Shire of East Pilbara Town Planning Scheme No.4.

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*
Partnering With: State Government, Industry
Responsible officer: CEO
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Council will be making a lawful discretionary decision in accordance with its powers under the Planning and Development Act 2005. There is no additional organisational risk caused by Council carrying out its powers in this manner.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council grants development approval in accordance with deemed provision clause 68(2)(b) of Shire of East Pilbara Town Planning Scheme No.4, for the construction of a seed storage warehouse at 8 Francis Street, Marble Bar (Application P041/16) in accordance with the plans and specifications attached and subject to the following conditions:

- a) Development shall be in accordance with the approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the Manager Development Services - Planning;**
- b) All proposed vehicular crossover(s) shall be constructed in accordance with Council's Crossover Policy and to the satisfaction of the Director of Technical and Development Services;**
- c) The front setback area between the street boundary and the warehouse building is to be landscaped and maintained at all times to the satisfaction of the Manager Development Services – Planning within three (3) months of occupation of the development;**
- d) Fencing and gates along the Francis Street frontage of the property is to be visually permeable and not contain barbed wire elements;**
- e) Solid panel fencing is to be installed along the south eastern side boundary to screen the warehouse building in the event the proposed verandah along the south eastern wall is deleted to meet fire separation requirements; and**
- f) A minimum of one (1) window with a glazed area greater than 1.5m² is to be incorporated into the front wall of the warehouse building to ensure the building appropriately addresses the street.**

ADVICE TO APPLICANT:

- 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. A review application must be made within 28 days of the determination.**

4. This development approval does not extend to any other approval required from the local government under other legislation, such as (but not necessarily limited to) a Building Permit. The applicant and/or owner is advised to contact the local government to ascertain whether any other approvals are required prior to works commencing.

9.3.7 PROPOSED FAMILY DAY CARE AT 68 HOMESTEAD RAMBLE, NEWMAN

File Ref: A702537

Attachments: [Applicant and Service Overviews](#)
[Confidential under separate cover](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Proposed Meeting Date: 03 February 2017

Location/Address: 68 Homestead Ramble, Newman

Name of Applicant: M Janson

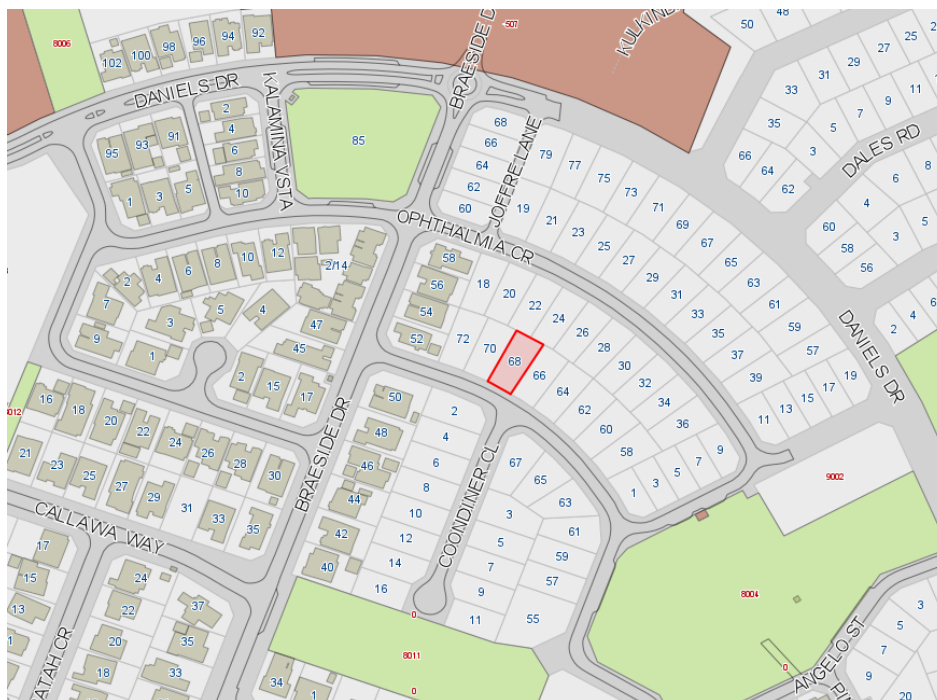
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to determine under Deemed Provision 68 of Town Planning Scheme No.4 an Application for Development Approval for the carrying out of a Family Day Care Service at 68 Homestead Ramble, Newman.

BACKGROUND

The applicant proposes to operate a family day care service from the existing dwelling at 68 Homestead Ramble, Newman. The property is zoned *Residential* by Shire of East Pilbara Town Planning Scheme No.4 (the Scheme) and is developed with a 4 bedroom, 4 bathroom dwelling. The location of the property is shown below:



A family day care allows for the caring of up to 7 children aged 0-13 years in a home-based environment. The service is provided by the resident of the property without

the need to modify the dwelling. The care provider is registered by a family day care service, which ensures carers meet the requirements of the *Education and Care Services National Law (WA) Act 2012* and *Education and Care Services National Regulations 2012*.

Whilst the Regulations allow for up to 7 children to be cared for at any one time, the applicant has advised that the normal operational model will be no more than 4 children at any one time aged 0-5 (i.e. preschool-aged children). The hours of operation are proposed to be Monday-Friday 5:00am-6:30pm to coincide with shift work. The applicant advises that there may be occasional weekend and overnight stays. An overview of the applicant's proposal is attached. Also attached is a general overview of the family day care scheme from One Tree Community Services, which the applicant is registering to operate with.

The use 'family care centre' is a use only permitted in the Residential zone after advertising has been conducted, and discretionary development approval has been granted. In accordance with deemed provision clause 64, the application was advertised to the owners and occupiers of a total of 7 properties that surround the proposed premises. At the close of the 14-day submission period, 1 objection had been received. In accordance with the limitations of delegated authority, the application is tabled for Council consideration to ensure the concerns raised in the objection are given due regard in the decision-making process.

COMMENTS/OPTIONS/DISCUSSIONS

Consideration of Submissions

Deemed provision clause 67(y) requires Council to have due regard to any submissions made to the extent that, in the opinion of Council, those submissions are relevant to the development or use proposed by the application.

The objection received has been submitted by the owner of the neighbouring property (see confidential attachment for a copy of the full submission). Whilst the owner does not reside at the property, significant concern has been raised regarding the impact on the ability to rent or sell the property by having a family day care service next door. The submission indicates that the owner is under significant financial strain due to drops in the rental return, occupancy rate and value of the property caused by the economic downturn. Any activities that could further affect the financial return from the property are strongly objected to by the neighbouring landowner.

A family day care service is intended to operate in the same manner as if the dwelling was occupied by a family with young children. The role of the Shire in assessing the application is to consider the family day care proposal against the 'as-of-right' ability for children to occupy and enjoy the property. Critically, the intensity of use of the property in terms of noise and traffic needs to be consistent with what would reasonably be experienced by a dwelling occupied by a young family.

Whilst Council is legally unable to refuse an application on the grounds of financial impact on another person, it is required to ensure a development is consistent with the amenity of the zone in which it is located. Where a development is considered to detrimentally affect the amenity of the locality, Council is able to refuse the application, or place conditions upon an approval to ensure amenity is protected. In the case of a family day care service, the regulations limit the number and ages of

children that can be cared for. Whilst a maximum of 7 children can be cared for at any one time, a limit of 4 preschool-aged children is further placed. Therefore, during school hours, the service will be normally operated with a maximum of 4 children on the premises, which is not inconsistent with many families residing in the locality.

The objection received raises concerns with traffic, parking, the operating hours, noise, odour and loss of privacy due to the family day care operation. These matters are examined below.

Traffic / Parking

The driveway at the premises allows for up to 5 vehicles to park in the driveway and carport. A minimum of 2 parking spaces will be available at any time for parents dropping off children. Given the relatively small numbers of children involved and the likely staggered drop off and pick up times, this is considered to be sufficient by Council officers.

The additional traffic generated by the family day care service is not considered to be significant given the location of the premises on a through road. It is also likely that some parents will reside sufficiently close to the premises to allow walking.

Operating Hours

The operating hours are proposed to be 5am-6:30pm to cater for the 6am-6pm mine shift. Whilst there may be some overnight stays, these are not considered to be inappropriate in the context of the property being used for residential purposes.

Whilst the presence of children at the premises early in the morning will generate traffic and noise associated with drop offs, it is reasonable to assume that this noise would be consistent with that generated by residents getting ready to go to work, or coming off shift.

The submission raises a concern that parents will wait outside of the neighbouring property increasing noise, particularly during the early mornings. Council officers are unaware that other family day care services in Newman have suffered from parents waiting outside for the service to open. As family day care is not required to have a minimum of two staff in order to operate, any early-arriving parent is likely to be able to enter immediately as the operator resides at the premises.

Noise

Whilst a maximum of 7 children are permitted under the Regulations, the normal operating number will be a maximum of 4 children during school hours. Whilst it is possible that school-aged children will be present before and after school and during school holidays, these times coincide with normal family activities that are considered acceptable in a residential area.

To ensure compliance with the Noise Regulations, a condition preventing outdoor play before 7am is recommended.

Odour

The submission raises concerns over odour emanating from rubbish bins due predominantly to nappy disposal. The Shire's standard residential rubbish collection of twice weekly during warmer months is considered sufficient to deal with any potential odour emissions. Further, the number of dirty nappies generated by the service is unlikely to exceed that of a normal household with 2 or 3 young children given babies and toddlers are not residing full time at the property.

Loss of Privacy

The submission raises concerns that parents accessing the service will cross over the front yard of the neighbouring property to access the service. Other concerns regarding loss of privacy in the back yard are raised. Whilst the concerns regarding children overlooking the rear yard is noted, this risk is inherent in a residential area where young families are present.

A condition requiring play equipment to be setback or screened from overlooking neighbouring private areas is included in the recommendation.

Conclusion

The submission is primarily concerned with the impact the family day care service may have on the ability to rent the neighbouring property. The issues raised are predominantly inherent in a residential area that caters for young families. The dwelling subject to the application has 4 bedrooms and 4 bathrooms and a rear grassed yard. A family of 2 adults and up to 6 children could reasonably reside in the property full time 'as of right'. The impact on the amenity of the locality caused by a large family 6-8 would be consistent, or greater, than the impact of a regulated family day care service.

The tenor of the submission indicates the neighbouring owner is under considerable financial stress caused by the prevailing economic conditions and housing market. Whilst Council officers acknowledge this and are sympathetic, there are insufficient planning grounds to warrant a refusal of the application.

STATUTORY IMPLICATIONS/REQUIREMENTS

Council will determine this application in accordance with its powers under the Planning and Development Act 2005 and Shire of East Pilbara Town Planning Scheme No.4.

Annual renewal of the approval in a manner similar to a home business will allow the operation to be monitored over time to ensure compliance with the conditions of approval and with the amenity of the locality.

The operation will be governed by the *Education and Care Services National Regulations 2012*.

As the applicant intends to prepare food, the operation will be subject to the *Food Act 2008*. Registration as a food business will be required should the applicant intend to prepare food for 5 or more children. As the normal operating number will be 4, formal registration will not be required. However, the applicant is working with Council's environmental health services to ensure compliance with relevant food handling standards.

As the normal number of children proposed is less than the maximum of 7 permissible under the Regulations, there may be a desire to condition the development approval to limit the number of children to 4. However, it is unlikely that there is sufficient planning grounds to ensure such a condition is legally enforceable. Under the 'Newbury Test', in order to be valid, a condition must have a planning purpose, must fairly and reasonably relate to the development and must be reasonable. Given the presence of regulations limiting the number of Children, it is highly unlikely that a condition placed by Council would meet this test.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

- 3.4.2 *Plan well for the future development of the Shire*
Partnering With: State Government, Industry
Responsible officer: CEO
Timing: 1-5 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.

- 2.2 Education and training
2.2.1 *Encourage high quality education and diverse skills development*
Partnering With: State Government, Industry
Responsible officer: MCW
Timing: 1-5 years

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

- 3.1 Business diversification and promotion
3.1.2 *Build a thriving and diverse economy*
Partnering With: State Government, Industry, NCCI, other relevant stake holders
Responsible officer: DCEO
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Council will be making a lawful discretionary decision in accordance with its powers under the Planning and Development Act 2005. There is no additional organisational risk caused by Council carrying out its powers in this manner.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council in accordance with Deemed Provision clause 68(2)(b) of Shire of East Pilbara Town Planning Scheme No.4 grants development approval to operate a Family Care Centre (family day care) at 68 Homestead Ramble, Newman (Application P001/17) in accordance with the details submitted with the application and subject to the following conditions:

- a) This approval is valid until 30 June 2018, after which time it must be renewed annually in order to remain valid;
- b) No outdoor play is permitted prior to 7:00am on any day in accordance with the *Environmental Protection (Noise) Regulations 1997*;
- c) Any play equipment that allows a child to stand greater than 0.5m above natural ground level is to be setback a minimum of 7.5m from property boundaries or otherwise screened to prevent overlooking of adjoining properties in accordance with section 6.4.1 C1.1 and C1.2 of the Residential Design Codes;
- d) No advertising signage is to be displayed at the premises;

ADVICE TO APPLICANT:

- 1. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. A review application must be made within 28 days of the determination.
- 2. This development approval does not extend to any other approval required from the local government under other legislation, such as (but not necessarily limited to) an Approval to Conduct a Food Business. The applicant and/or owner is advised to contact the local government to ascertain whether any other approvals are required prior to works commencing.

9.3.8 MANAGEMENT OPTIONS FOR CARAWINE GORGE

File Ref:	A501510
Attachments:	<u>9 December 2016 Officer Report on Carawine Gorge Management Options</u>
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Roy Winslow Manager Development Services - Planning
Proposed Meeting Date:	03 February 2017
Location/Address:	Portion of De Grey Location 131, Warrawagine Station, Marble Bar
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider additional information on the management options for the care and control of Carawine Gorge.

BACKGROUND

At its Ordinary Meeting held on 9 December 2016, Council considered the following Officer recommendation:

THAT Council:

- 1. Does not seek excision of Carawine Gorge from the Warrawagine Station pastoral lease;*
- 2. Instructs the Chief Executive Officer to investigate with Warrawagine Station opportunities for shared contributions to improvement to visitor and camping amenities at Carawine Gorge with any financial implications on the Shire to be considered for inclusion in the 2017/18 Budget.*

Council subsequently resolved to defer consideration of the recommendation to allow for further information and more research regarding the land tenure on and around Carawine Gorge and the potential expenditure on taking over the care and control of the Gorge.

A copy of the report as presented to the above meeting is attached as only new information has been included in this report.

Council officers have subsequently undertaken further research into both the land tenure and potential expenditure. This information is provided below.

COMMENTS/OPTIONS/DISCUSSIONS

Land Tenure

Carawine Gorge, the established camping area and the access road from Woodie Woodie Road are located on Lot 131 (formerly De Grey Location 131). Lot 131 forms part of the Warrawagine Pastoral Lease N049436.

Approximately 6km from the camping area towards Woodie Woodie Road, the access road crosses Reserve 15159, which is a stock route approximately 1.5km wide.

Figure 1 shows the distances between Carawine Gorge, the stock route and Woodie Woodie Road.

Any reservation of Carawine Gorge and the abutting camping area would affect the pastoral lease only. Should it be considered desirable to dedicate the access road as a public road, this will not affect the ability for the stock route to remain operational.

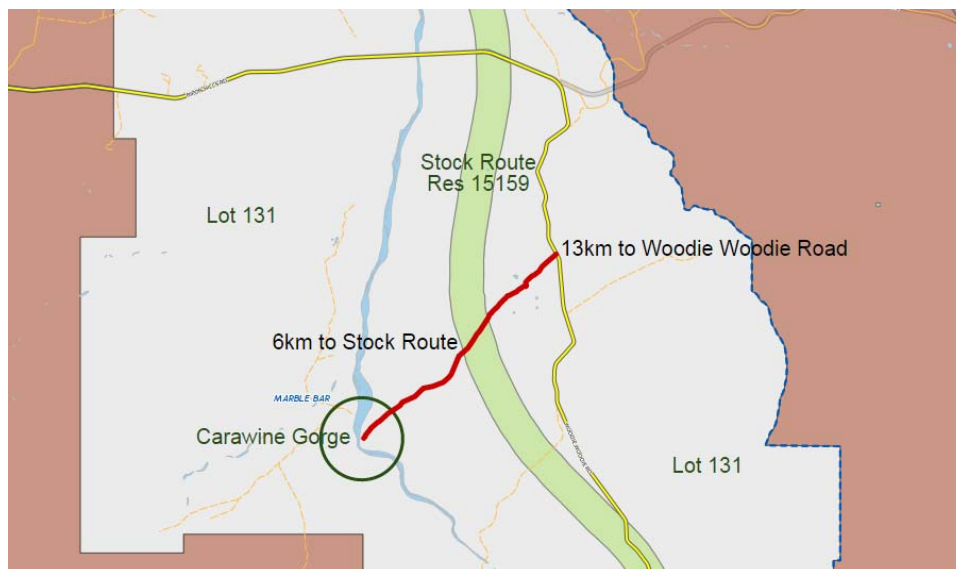


Figure 1: Map showing the location of Carawine Gorge in relation to Reserve 15159 and Woodie Woodie Road. The gorge access road is shown in red.

Potential Expenditure

Council officers have identified that a total potential expenditure of \$167,000 would be required to establish the reserve and provide a basic level of camping amenity.

Ongoing costs are estimated at \$71,300 per annum.

Other potential costs that may be required to meet various agency and other stakeholder requirements to allow reservation to occur could exceed \$637,500.

These costs are itemised below.

Set up Costs

The costs associated with the establishment of the reserve will depend upon the extent of the area to be excised and the level of amenity Council determines appropriate for the camping area.

Table 1 shows the potential costs for surveying a reserve and establishing a basic level of amenity similar to that seen in Department of Parks and Wildlife (DPaW) camping areas at Karijini National Park.

Table 1 – Camp Site Set Up Costs	
Item	Estimated Cost / Allowance ex.GST
Survey of new reserve	\$50,000 (allowance based on previous quotes for survey work in Marble Bar. Actual cost will depend on the reserve size and the number of survey points to establish)
Double drop toilet	\$16,000 (quoted materials only for 2015 Karijini NP toilets at Dales Gorge Day Use Area) \$25,000 (estimated labour) \$15,000 (estimated earthworks and transport)
Gas barbeque	\$15,000 supply and install estimate (based on Nullagine quote with increase in installation to account the more remote location.
Picnic Tables x 2 (unsheltered)	\$5,000 installed (allowance)
New signage	\$10,000 (allowance for information and direction signs)
2km of 10/110/10 Griplock cattle fencing to surround campground @ \$15,500/km.	\$31,000 (based on quote for Nullagine Airport).
Total Set Up Estimate	\$167,000

It is assumed that there will be no construction of camping sites with the current informal arrangement remaining in place.

Operational and Management Costs

Once the camping site has been established with amenities, the Shire will need to appropriately service the facility. Table 2 shows estimated annual costs based upon a service level of weekly servicing April-September inclusive and fortnightly October-March inclusive. This level of service will require service crew to attend for a total of 39 service days.

Table 2 – Estimated annual costs	
Item	Annual Cost ex.GST
Servicing of camp ground – 2 persons ex-Marble Bar, plus ute or small truck, weekly Apr-Sep and fortnightly Oct-Mar.	\$62,400
Toilet chemicals (80l E-Fresh Air Freshener / Toilet Blue and 5kg E-Zyme Crystals (based on Karijini NP costs)	\$2,000
Toilet pump out (assuming 1 per year)	\$5,300
BBQ Gas (assumed cost)	\$1,000
Consumables	\$1,000
Total annual costs	\$71,300

Other Potential Costs with associated Reservation

Other costs associated with reserving the site could relate to the need to meet state government environmental, native title and aboriginal heritage requirements. The costs associated with meeting these requirements cannot be quantified at this time but may include the need to conduct environmental and heritage surveys and legal costs associated with a Notice of Intention to Take (NoIT) process under the Native Title Act.

Potential costs are identified in Table 3 below. It is stressed that the exact costs would need to be established based on the requirements of the various agencies at the time.

Table 3 – Other potential costs	
Item	Allowance ex. GST
25km of 10/110/15 Griplock roadside fencing if the access road is to be fully protected from cattle.	\$387,500 (Based on \$15,500/km for fencing installed at Nullagine).
Level 1 flora and fauna assessment to DER requirements.	\$50,000 (based on costs of work conducted in Newman recently)
Level 2 flora and fauna assessment to DER requirements (if triggered by Level 1 assessment findings)	\$100,000-\$200,000
Preparation of a foreshore management plan to Department of Water requirements.	\$50,000-\$100,000 (assumption based on previous experience and remoteness of location)
Aboriginal heritage survey	\$50,000-\$100,000 (assumption based on previous experience and remoteness of location)
Native Title Clearance	Unable to estimate at this time
Compensation to pastoral lease holder for loss of land	Unable to estimate at this time
Total other potential costs	\$637,500+

The above costs identify that once the reservation process commences, the actual level of information and costs involved in the preparation of supporting documentation will depend upon the requirements of agencies and other parties. The extent of the requirements will not be identified until an application is lodged and tested by consultation with state agencies and other stakeholders.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997 and Conservation and Land Management Act 1985.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.3 Provide infrastructure to support economic development

Partnering With: State Government, Industry, NCCI, other relevant stake holders

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

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

3.1.3 Encourage tourism

Partnering With: State Government, Industry, NCCI, other relevant stake holders

Responsible officer: DCEO

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Any vesting or taking on care and control of Carawine Gorge will increase organisational risk.

FINANCIAL IMPLICATIONS

The potential financial implications of taking on care and control of Carawine Gorge are outlined in this report.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Does not seek excision of Carawine Gorge from the Warrawagine Station pastoral lease;**
- 2. Instructs the Chief Executive Officer to investigate with Warrawagine Station opportunities for shared contributions for improvements to visitor and camping amenities at Carawine Gorge with any financial implications on the Shire to be considered for inclusion in the 2017/18 Budget.**

**9.3.9 PROPOSED EXCISE OF LAND FROM RESERVE 44774 TO FACILITATE
DEVELOPMENT OF ABORIGINAL MEN'S HEALING CENTRE**

File Ref: A400013
Attachments: [AMHC Concept Development Proposal](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 03 February 2017
Location/Address: Reserve 44774, Great Northern Highway,
Newman
Name of Applicant: Aboriginal Men's Healing Centre Inc.
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider relinquishing 8.1ha of Reserve 44774 to allow the Department of Lands to enter into a direct lease or management order with Aboriginal Men's Healing Centre Inc. over the land.

BACKGROUND

At its Ordinary Meeting held on 28 October 2017, Council considered a proposal to request the Department of Lands modify the Management Order for Reserve 44774 to include "community purposes". The intent of the change was to allow for Council to enter into negotiations to lease a portion of the reserve to Aboriginal Men's Healing Centre Inc. (AMHC) for the purposes of establishing a rehabilitation centre. In considering the proposal, Council resolved as follows:

THAT Council

- 1. Requests the Minister for Lands includes the purpose of "community purposes" on the management order for Reserve 44774, Great Northern Highway, Newman; and*
- 2. Advises Aboriginal Men's Healing Centre Inc. that negotiations into the potential lease of all or portion of Reserve 44774 cannot take place until the Minister for Lands has approved the inclusion of "community purposes" on the management order for the reserve.*

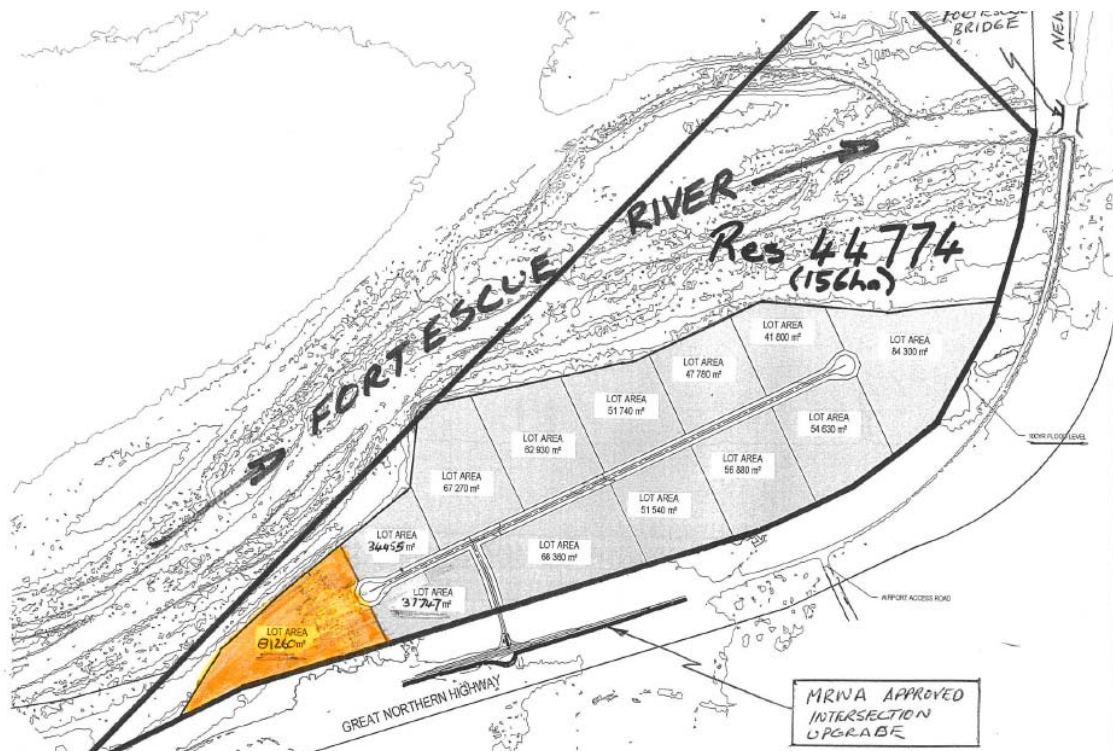
The Department of Lands have considered the above request and advised that it would be prepared to include the purpose "community rehabilitation centre" on the management order, subject to the Shire and AMHC having entered into an agreement on the area of land to be leased and the terms of any lease agreement.

Subsequent to this advice, AMHC finalised its development proposal, a copy of which is attached. The proposal is based on utilising the southern 8.1ha portion of Reserve 44774 for the healing centre. This location is considered ideal by AMHC, as well as allowing the remainder of Reserve 44774 to be developed in the future for the planned transport and logistics hub.

Given that the proposal has been developed to the concept stage and a definite parcel of land identified, it may be more appropriate for the Shire to relinquish the 8.1ha parcel back to the state so that it can enter into an agreement directly with AMHC. As an incorporated body, the Department of Lands is able to lease or vest the land directly to AMHC. This would also allow for the land to be readily converted to freehold and purchased by AMHC in the future, which is the ultimate desire of AMHC.

COMMENTS/OPTIONS/DISCUSSIONS

The land is located at the southern end of Reserve 44774 and will be accessed by constructed of the planned internal road and intersection onto Great Northern Highway shown below.



Given the location of the land requested by AMHC is at one end of the proposed freight and logistics hub, the land can be readily relinquished by the Shire without jeopardising the overall development intent for the site. Access to the site would remain via the proposed internal road as shown on the above plan given that the intersection point onto the highway has previously been approved by Main Roads WA.

Council officers favour excision of the AMHC site rather than a lease agreement for the following reasons:

- Excision allows for AMHC to have a direct lease or vesting with the Department of Lands, rather than have the Shire act as an intermediary;
- Excision allows the option for AMHC to apply for freehold title in the future to ensure security of tenure; and
- The Shire retains control of the development through its regulatory processes in the same manner as any other private development.

At the time of the initial resolution to consider leasing a portion of Reserve 44774, the exact land requirements needed for the centre were unknown. Now that the land has been clearly identified, the simpler option of the Shire relinquishing the land to the AMHC is available.

In the event that the centre does not proceed on the site, the land would be offered back to the Shire as the previous manager. Should the Shire not require the parcel, the land would revert to unallocated crown land.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 50 of the Land Administration Act 1997 provides for a management body to agree to a management order being revoked. Revoking the management order over Reserve 44774 will allow for the proposed AMHC site to be removed from the remainder of the Reserve. A new management order will then be issued to the Shire in accordance with section 46 of the Act for the remainder of the Reserve 44774 for the purpose of 'transport and freight hub'.

To allow the area of land to be relinquished, the Shire will need to complete a Statutory Declaration in regards interests and possible contamination of the portion of land to be excised. This matter will be dealt with administratively and does not require formal Council resolution. It is noted that there is unlikely to be industrial contamination present on the site as the site has only been used for pastoral purposes in the past, including stock yards.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

2.4.1 Promote diverse, harmonious and caring communities

Partnering With: Federal Government, State Government, Industry and NGO's

Responsible officer: MCW

Timing: 1-3 years

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

2.1.4 Support individual and community health

Partnering With: NGO's, State Government, Industry

Responsible officer: MCW

Timing: 1-5 years

2.1.1 Promote safe and healthy communities

Partnering With: NGO's, State Government

Responsible officer: MCW

Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Excision of the land from Shire control will reduce the level of organisational risk when compared to leasing to a third party such as AMHC.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Advise Aboriginal Men's Healing Centre Inc. (AMHC) that:**
 - a) It is prepared to support excision of approximately 8.1ha of Reserve 44774 at the southern end of the reserve to allow for the parcel to be vested or leased directly to AMHC by the Department of Lands; and**
 - b) All costs associated with excision of the parcel are to be borne by AMHC.**
- 2. Advise the Department of Lands that it is prepared to relinquish the 8.1ha parcel of land from Reserve 44774, required by Aboriginal Men's Healing Centre Inc.**

**9.3.10 LOCAL GOVERNMENT NOMINATIONS TO THE NORTHERN JOINT
DEVELOPMENT ASSESSMENT PANEL**

File Ref: CLR-4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 03 February 2017
Location/Address: N/A
Name of Applicant: Development Assessment Panel Secretariat
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to nominate 2 Members and 2 Alternate Members to the Northern Joint Development Assessment Panel for a two year period expiring on 26 April 2019.

BACKGROUND

Each Joint Development Assessment Panel (DAP) comprises 3 technical members and 2 local members, all of which are appointed by the Minister for Planning. The current local member appointments for the Shire of East Pilbara end on 26 April 2017.

Each local government within a DAP area are required to nominate 2 Councillors as full members and 2 Councillors as alternate (proxy) members. The local members are only required to sit on the panel when an application affects their respective local government area. This has required Shire of East Pilbara representation on 2 occasions since the current members were appointed in April 2015.

On 6 March 2015, Council resolved to nominate Crs. Hatwell and Grace as Members and Crs. Craigie and Parsons as Alternate Members. These nominations were subsequently appointed by the Minister for Planning for the 2-year period ending on 26 April 2017.

The DAP Secretariat has requested Council nominate local government members and alternate members for the next 3-year period ending on 26 April 2020. It is noted that recent changes to the DAP Regulations has increased the appointment period from 2 to 3 years. Should an appointed member or alternate cease to sit on Council during this period, the Shire will be required to nominate a replacement sitting Councillor. This will require Council to review the membership of the DAP in October 2017 and 2019 in the light of the local government election results at these times.

COMMENTS/OPTIONS/DISCUSSIONS

Role of the DAP and Local Members

The DAP is responsible for considering applications in the Shire of East Pilbara where the development value exceeds \$10 million. There is also provision for an applicant to opt in to the DAP process for developments with a value of \$2 million - \$10 million. In effect, the DAP replaces Council as the decision-maker for these applications. A quorum for a DAP meeting is for a minimum of 2 of the 3 specialist members and 1 of the 2 local members from the affected local government being in attendance.

The role of the local government members is to provide a local perspective to the decision-making process. Whilst the members are able to reflect community views on a proposal, the member is still obliged to consider an application on its planning merits.

Meeting attendance can be either in person (normally in Perth) or by telephone. Given our remoteness from Perth, normally Shire of East Pilbara members and officers attend by telephone.

Role of the Shire in DAP Applications

The Shire's role in DAP applications is to assess the application and prepare a responsible authority report for the consideration of the Panel. Where a meeting is to be held locally, the Shire is also able to provide a venue and administrative support. There is no legal requirement for a Council to consider a DAP application.

In this Shire the practice has been for the Manager Development Services – Planning to prepare the responsible authority report and submit this to the DAP Secretariat without Council review. This has occurred as there have been no applications received so far that has exceeded the delegated authority provided to officers to determine applications. Should an application be received that exceeds the delegated authority, officers would prepare the responsible authority report and provide this to Council for noting. Should Council have an alternative opinion to that provided in the responsible authority report, it can make this known to the DAP in the form of a submission to the Panel.

Member Training

All local members and alternates are required to undertake mandatory training before they can sit on a DAP. The training provides an overview of the planning system, the DAP process and a member's legal obligations pertaining to the development assessment role. Councillors that have already completed the training will not be *required* to attend further training. However, the DAP Secretariat *encourages* these Councillors attend refresher training. Appointees will be advised by the DAP Secretariat of training dates and times.

Member Attendance Fees

DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment, such as Federal, State and local government employees, active or retired judicial officers and employees of public institutions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Planning and Development (Development Assessment Panels) Regulations 2011

Part 4 – Development assessment panels

Division 1 – DAP members

26. JDAP local government member register

- (1) The Minister must cause to be established and maintained a register of local government members of JDAPs.
- (2) Subject to sub-regulation (4), the register must include the names of 2 members of the council of each local government of a district for which a JDAP is established.
- (3) Whenever it is necessary to include a member of a council of a local government on a local government register under sub-regulation (2), the Minister must –
 - a. in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and
 - b. unless sub-regulation (4) applies, include on the register the name of the person nominated.
- (4) If, within 40 days after the date on which the Minister makes a request under sub-regulation (3), or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who –
 - a. is an eligible voter of the district of the local government; and
 - b. the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.
- (5) For the purposes of sub-regulation (4)(a) a person is an eligible voter of a district if that person is eligible under the *Local Government Act 1995* section 4.29 or 4.30 to be enrolled to vote at elections for the district.

28. Alternate members

- (1) The Minister may, in writing, appoint –
 - a. an alternate member for any person appointed under regulation 23(1)(a); and
 - b. an alternate member for any person included on the local government register under regulation 26; and
 - c. such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.
 - (2) Regulation 24 applies in relation to an appointment under subregulation (1)(a).
 - (3) Regulation 26 applies in relation to an appointment under subregulation (1)(b).
 - (4) An alternate member for a local government member of a DAP may act in the place of the local government member if the local government member is unable to perform the functions of the member by reason of illness, absence or other cause.
 - (5) If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act in the place of the specialist member.
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- (6) A person cannot act in the place of a specialist member of a DAP if the person is —
 - a. employed under the Local Government Act 1995 section 5.36 by the local government of a district for which the DAP is established; or
 - b. a member of the council of the local government of a district for which the DAP is established.
- (7) An alternate member acting under this regulation may despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing any determination of a DAP application.
- (8) An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.
- (9) No act or omission of a person acting in place of another under this regulation is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.

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

RISK MANAGEMENT CONSIDERATIONS

Nil.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Nominates the following two Councillors as members of the Northern Joint Development Assessment Panel:
 - a) Cr _____
 - b) Cr _____
2. Nominates the following two Councillors as alternate members of the Northern Joint Development Assessment Panel:
 - a) Cr _____
 - b) Cr _____

- 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**
17 March 2017, Marble Bar
- 15 CLOSURE**