



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, 23 OCTOBER, 2015.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Lang Coppin OAM
Anita Grace
John Jakobson
Michael Kitchin
Biddy Schill
Dean Hatwell

Deputy Shire President

Officers

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

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

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Shane Carter

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

3 ELECTION OF OFFICE BEARERS – PRESIDENT AND DEPUTY PRESIDENT

3.1 NOMINATIONS FOR THE POSITION OF SHIRE PRESIDENT

Pursuant to schedule 2.3 of the Local Government Act 1995, the term of the Shire President expires at the Ordinary Election.

Nominations are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

3.2 NOMINATIONS FOR THE POSITION OF DEPUTY SHIRE PRESIDENT

Pursuant to schedule 2.3 of the Local Government Act 1995, the term of the Deputy Shire President expires at the Ordinary Election.

Nominations are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

4 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

5 PUBLIC QUESTION TIME

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 NEWMAN ESTATE

Macro Realty, Ms Veronica Macpherson, Managing Director will be providing Council a presentation regarding Newman Estate.

6.2 NGARLA PEOPLE ACCESS TO CAPE KERAUDREN

Wanparta Corporation will be providing Council with a presentation on the Ngarla people and access to Cape Keraudren.

7 APPLICATIONS FOR LEAVE OF ABSENCE

8 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

8.1 CONFIRMATION OF MINUTES

[Minutes September 25 2015 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 25 September 2015, be confirmed as a true and correct record of proceedings.

9 MEMBERS REPORT

9.1 ITEMS FOR RECOMMENDATION

9.2 ITEMS FOR INFORMATION

10 OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION - SEPTEMBER 2015

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Chief Executive Officer for September 2015 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
6 March 2015	13.1	ADSL MARBLE BAR Cr Stephen Kiernan asked the Shire to continue to follow up with Telstra regarding ADSL in Marble Bar. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	To discuss options with PDC. Request for Information sent to PDC Sent again 08/09/2015	On Going
28 August 2015	13.7	ADSL MARBLE BAR Cr Stephen Kiernan asked again for the Shire to follow up on the possibility of having ADSL installed in Marble Bar. Mr Allen Cooper, Chief Executive Officer explained the situation on ADSL and requests to the Pilbara Development Commission to investigate			
28 August 2015	13.8	CARAWINE GORGE Cr Lang Coppin asked if the Shire of East Pilbara could investigate the possibility of Carawine Gorge becoming an A Class Reserve. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	Meeting with Department of Lands seeking information	

10.1.2 PROPOSED COUNCIL MEETING DATES 2015-2016

File Ref:	CLR 1-1
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Sheryl Pobrica Executive Services Administration Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To set Council meeting dates, times and venues for the next twelve months for 2015-2016.

BACKGROUND

It is a requirement under the *Local Government Act 1995* (s5.25(g)), to set and advertise the meeting dates, times and venues for Council meetings for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Traditionally, Council meets on the fourth Friday in the month. In some instances, this date is not appropriate. The dates have been set to fit in with public holidays and allow the closing date for agenda items to be realistic for staff to compile the agenda for distribution to Councillors.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration (Division 2 – Meetings) (Subdivision 3 – Matters affecting meetings)

5.25 Regulations about council and committee meetings

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –*
- (g) the giving of public notice of the date and agenda for council or committee meetings.*

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings – s5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings;**That are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
-

POLICY IMPLICATIONS

1.3 COUNCIL MEETINGS – DATES AND TIMES

Minute No: Item 9.1.3
Date: 27th June 2003

Objective

To establish what dates and times that Council Meetings will normally be held.

Policy

Council meetings will normally be held on the fourth Friday of each month commencing at 10:00am, with the exception of November and January. Times and dates shall be subject to alteration in accordance with the Local Government (Administration) Regulations 1996. A dress standard applies to all persons attending a Council Meeting.

Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual.

Legislation

Section 12 *Local Government (Administration) Regulations 1996.*

1.9 LOCATION OF COUNCIL MEETINGS

Minute No: Item 9.1.3
Date: 27th June 2003

Objective

To establish where Council meetings will normally be held.

Policy

The venue for Council meetings shall be determined by Council usually in October of each year for the upcoming year but normally meetings will be held alternatively at Marble Bar, and Newman, with one meeting being held annually in Nullagine.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the dates, time and place for Ordinary Council meetings for the next twelve months for 2015-16, as listed below, be adopted and advertised in accordance with the *Local Government (Administration) Regulations 1996* s12(1)(a).

MEETING DATE	VENUE	COMMENCEMENT TIME
11 th December 2015	Newman	10:00am
29 th January 2016	Newman	10:00am
11 th March 2016	Marble Bar	10:00am
29 th April 2016	Newman	10:00am
27 th May 2016	Newman	10:00am
24 th June 2016	Nullagine	10:00am
22 nd July 2016	Newman	10:00am
26 th August 2016	Newman	10:00am
23 rd September 2016	Marble Bar	10:00am
28 th October 2016	Newman	10:00am

10.1.3 PROPOSED COUNCIL WORKSHOP DATES FOR 2016

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

REPORT PURPOSE

To set quarterly workshop dates for 2016.

BACKGROUND

At the workshop held on the 23rd October 2014, the Councillors present agreed to consider setting dates for quarterly workshops. Workshops provide Councillors with an opportunity to review discuss various items not listed on Council agendas but need significant time to discuss. Alternatively it could be a time for training or consideration/presentation on strategic direction.

The general consensus was set quarterly meetings would allow the dates to be pre-determined and locked in.

COMMENTS/OPTIONS/DISCUSSIONS

Workshops should be held prior to a Council meeting day for logistics purposes. Topics for discussion to be determined prior to workshop dates.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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1.1 Efficient and effective local government

FINANCIAL IMPLICATIONS

Covered within existing budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the following dates be set aside for workshops in 2016;

- **10th March 2016.**
- **21st July 2016.**
- **27th October 2016.**

**10.1.4 COUNCILLORS MEET AND GREET AT NEWMAN BOULEVARDE
SHOPPING CENTRE 2015-2016**

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

REPORT PURPOSE

To set the dates for the Councillors monthly meet and greet at the Newman Boulevard Shopping Centre from December 2015 until October 2016.

BACKGROUND

The Councillors requested a meet and greet with the community, on average once per month. This gives community members and the public updates on the Shire of East Pilbara projects.

It is a great opportunity for the Councillors to interact with the community and keep them updated and also listen to any complaints.

COMMENTS/OPTIONS/DISCUSSIONS

Every month the Councillors meet at the Newman Boulevard Shopping Centre. The dates are to be set every year.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

**1.6 DRESS CODE FOR COUNCILLORS REPRESENTING COUNCIL ON
EXTERNAL BUSINESS AND EVENTS**

Minute No: Item 9.1.2
Date: 28 May 2010
Responsible Officer: Chief Executive Officer

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 Council 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 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the time and dates listed below for the Councillors monthly meet and greet at the Newman Boulevard Shopping Centre, as listed below, and advertise in the local newspaper, notice boards, Shire website and face book.

DAY	TIME	DATE
Saturday	10am – 12pm	5 th December 2015
Saturday	10am – 12pm	6 th February 2016
Saturday	10am – 12pm	5 th March 2016
Saturday	10am – 12pm	2 nd April 2016
Saturday	10am – 12pm	7 th May 2016
Saturday	10am – 12pm	4 th June 2016
Saturday	10am – 12pm	2 nd July 2016
Saturday	10am – 12pm	13 th August 2016
Saturday	10am – 12pm	3 rd September 2016
Saturday	10am – 12pm	8 th October 2016

10.1.5 ELECTION OF COUNCIL MEMBERS ON COMMITTEES 2015-2017

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

REPORT PURPOSE

To elect Councillors to represent the Council on various committees, to delete committees that no longer exist and to include new committees to the list.

BACKGROUND

Normally after each Local Government election Council allocates representation on various committees to represent Council.

Note: The *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24 March 2011. These panels became operational as of 1 July 2011.

Under DAP regulation 26, your local government was invited to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your local JDAP as follows are the representatives

Nominated Local DAP Members	Nominated Alternate Local Members
Cr Dean Hatwell Cr Anita Grace	Cr Lynne Craigie Cr Geraldine (Gerry) Parsons

Local Government Elections – 17 October 2015

Local government elections which are scheduled for 17 October 2015 may result in a change to JDAP membership if current councillors, who are DAP members, are not re-elected. Council must consider replacement of DAP members where there is a vacancy.

Local Government nominations are subject to Cabinet consideration prior to formal appointment by the Minister. It is anticipated that this will occur sometime in late November/early December.

It is mandatory for all DAP members to attend training before they sit on a DAP and new members will be advised of DAP training dates and times. .

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister for Planning's consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's Circular - State Government Boards and Committees Circular (2010/02)*.

Further information on membership requirements, including the Premier's Circular, is available online at <http://daps.planning.wa.gov.au>.

This is the list of committees and the nominated Councillors representative and proxies listed below as Ordinary Council Minutes item 27th June 2014, item#9.1.2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 2015/304

MOVED: Cr Kevin Danks

SECONDED: Cr Anita Grace

THAT Council nominate Cr Gerry Parsons as the representative and Cr Craig Hoyer as Proxy to the Newman Turf Club Committee, and endorse the inclusion of the Newman Turf Club Committee in the Shire's list of local Committees.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Ms Sue Mearns, Coordinator Governance.

***Note: Cr Anita Grace wished to be included as a Proxy to the Newman Chambers of Commerce and Industry Inc.**

Committee	Councillor	Proxy
Newman House – Building Management Committee	Cr Lynne Craigie	Cr Doug Stead
Pilbara Regional Road Group	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Pilbara Regional Council (2 reps)	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Newman Mainstreet Project Inc	Cr Doug Stead	Cr Anita Grace
Local Recovery Committee	Cr Lynne Craigie	Cr Lang Coppin
LEMC - Newman	Cr Craig Hoyer	Cr Lynne Craigie
LEMC – Marble Bar	Cr Dean Hatwell	Cr Stephen Kiernan

LEMC – Nullagine	Cr Bidy Schill	Cr Stephen Kiernan
Audit Committee	Cr Shane Carter Cr Anita Grace Cr Doug Stead Cr Gerry Parsons	
*East Pilbara Land Conservation District Committee	Cr Lang Coppin	N/A
*Recognised Biosecurity Group (RBG)	Cr Lang Coppin	N/A
Bush Fire Advisory Committee	Cr Craig Hoya	Cr Doug Stead
*De Grey Land Conservation District Committee	Cr Lang Coppin	N/A
Marble Bar Tourist Association	Cr Kevin Danks Cr Dean Hatwell	Cr Stephen Kiernan
Marble Bar FESA Unit	Cr Dean Hatwell	Cr Stephen Kiernan
Newman Chambers of Commerce and Industry Inc.	Cr Gerry Parsons	Cr Lynne Craigie Cr Anita Grace
East Pilbara Independence Support (EPIS)	Cr Doug Stead	Cr Lynne Craigie
Newman Recreation Centre Management Committee	Cr Gerry Parsons	Cr Anita Grace
Newman Visitors Centre Management Committee	Cr Shane Carter	Cr Gerry Parsons
Nullagine Volunteer Bush Fire Brigade	Cr Bidy Schill	Cr Stephen Kiernan
Newman Neighbourhood Centre	Cr Gerry Parsons	Cr Lynne Craigie
Nullagine Community Resource Centre	Cr Bidy Schill	Cr Stephen Kiernan
Pilbara Prospectors Associations	Cr Kevin Danks	Cr Stephen Kiernan
Marble Bar Community Resource Centre	Cr Stephen Kiernan	Cr Dean Hatwell
Newman Liquor Accord	Cr Anita Grace	Cr Gerry Parsons
Newman Women’s Shelter	Cr Anita Grace	Cr Lynne Craigie
Newman Turf Committee	Cr Gerry Parsons	Cr Craig Hoyer
*Development Assessment Panel (DAP) x 4	Cr Lynne Craigie Cr Dean Hatwell Cr Doug Stead Cr Craig Hoyer	Expires 26 th April 2016

**Ministerial Appointments*

COMMENTS/OPTIONS/DISCUSSIONS

To maintain open lines of communication, it is considered that Councillors should nominate as a delegate for a committee or committees.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

1.3.1 Increase community awareness

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Councillors listed below be appointed as Council delegates to the following committees.

Committee	Councillor	Proxy
Newman House – Building Management Committee		
Pilbara Regional Road Group		
Pilbara Regional Council (2 reps)		
Newman Mainstreet Project Inc		
Local Recovery Committee		
LEMC - Newman		
LEMC – Marble Bar		
LEMC – Nullagine		
Audit Committee		
*Recognised Biosecurity Group (RBG)	Cr Lang Coppin	N/A
Bush Fire Advisory Committee		
*De Grey Land Conservation District Committee	Cr Lang Coppin	N/A
Marble Bar Tourist Association		
Marble Bar FESA Unit		
Newman Chambers of Commerce and Industry Inc.		
East Pilbara Independence Support (EPIS)		
Newman Recreation Centre Management Committee		
Newman Visitors Centre Management Committee		
Nullagine Volunteer Bush Fire Brigade		

Newman Neighbourhood Centre		
Nullagine Community Resource Centre		
Pilbara Prospectors Associations		
Marble Bar Community Resource Centre		
Newman Liquor Accord		
Newman Women's Shelter		
Newman Turf Committee		
*Development Assessment Panel (DAP) x 4	Cr Dean Hatwell Cr Anita Grace Cr Lynne Craigie Cr Gerry Parsons	

**Ministerial Appointments*

10.1.6 ANNUAL REVIEW OF CODE OF CONDUCT

File Ref:	LEG-2-5
Attachments:	Code of Conduct 2015 docx
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to review and adopt the 2015 Code of Conduct.

BACKGROUND

The Code of Conduct is a requirement of the *Local Government Act 1995*, section 5.103. The legislative requirement to conduct an annual review of the Code of Conduct, as per the *Local Government Act 1995, section 5.103(2)*, has since been repealed. However, keeping in line with Council's policy to review policies and procedures annually, the decision to review the Code of Conduct will remain.

COMMENTS/OPTIONS/DISCUSSIONS

No significant changes.

Inserted a reference to Council's Formal Communication Policy for Elected Members at 1.4 – *Relationships between Council Members and Staff*.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration (Division 9 – Conduct of certain officials) – 5.103 Codes of Conduct

Local Government (Rules of Conduct) Regulations 2007

Local Government (Administration) Regulations 1996
Regulation 34B and 34C

POLICY IMPLICATIONS

12.1 CODE OF CONDUCT

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the Code of Conduct 2015 as presented.

**10.1.7 PILBARA DEVELOPMENT COMMISSION BOARD - LOCAL
GOVERNMENT APPOINTMENTS**

File Ref: ORG-5-33
Attachments: [PDC Board LG Appointment Letter](#)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider nominating a Local Government representative for the Pilbara Development Commission Board.

BACKGROUND

The Pilbara Development Commission is seeking nominations to fill three Local Government positions on its Board of Management. The position is for a term of up to three years from the date of appointment.

In accordance with the Regional Development Commissions Act 1993, each of the four local government authorities in the Pilbara are invited to nominate up to two Councillors for the vacant positions.

Nominee details will be forwarded to the Minister for Regional Development; Lands, The Hon Terry Redman, for consideration and selection. The Minister will forward details of the successful candidates to the WA State Cabinet for endorsement. (Attached letter from the Pilbara Development Commission)

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara is encouraged to forward its nomination/s together with completed application form and brief CV for each nominee to the Commission at its earliest convenience.

Applications close on Monday 9th November 2015.

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

FINANCIAL IMPLICATIONS

No financial resource impact, the Pilbara Development Commission Board covers all travel and accommodation costs.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council support the nomination of Councillor/s _____ as a Local Government Representative for the Board of the Pilbara Development Commission.

**10.1.8 PERMISSION TO COLLECT NATIVE COLLECT NATIVE SEED FROM
WITHIN RESERVES VESTED TO THE SHIRE OF EAST PILBARA, BY
GREENING AUSTRALIA, WA.**

File Ref: ENV-5-3 (ICR15-26603)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: Greening Australia, WA
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 an email on the 23 September 2015, 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 2015.

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.

Email sent by Greening Australia, 23 September 2015.

From: Dallas Lynch
Sent: Wednesday, 23 September 2015 4:38 AM
To: 'ces@eastpilbara.wa.gov.au' <ces@eastpilbara.wa.gov.au>
Subject: seed collection permission

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 for the region.

We are seeking this permission for a twelve month period.

I have attached a previous letter of permission granted by the Shire for your convenience and consideration.

Should you require further clarification, I may be contacted as detailed below.

I look forward to your favourable response.

Yours sincerely,

Dallas Lynch | Manager, Environmental Services | Greening Australia
UWA Field Station, 1 Underwood Avenue, Shenton Park, A 6008
P 08 9287 8306 | M 0427 478 928 | W www.greeningaustralia.org.au

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

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 2015 to 30th June 2016.**
- 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.**

10.2 DEPUTY CHIEF EXECUTIVE OFFICER

**10.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- SEPTEMBER 2014**

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for September 2015 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 October 2014	13.1	SPORTING COMPLEX MARBLE BAR FIVE YEAR PLAN Cr Dean Hatwell asked if the electrical works can be included in the five year plan for the sporting complex. Ms Sian Appleton, Deputy Chief Executive Officer answered yes this will be included in the five year plan as appropriate.	CDS-Rural	CDS-Rural undertaking – after survey completed to identify priorities	December 2015
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire 16 th June 2015 and staff will be discussing the agreement with the Department of Education.	DCEO	With State Solicitors	November 2015
6 March 2015	13.9	NULLAGINE GYM Cr Bidy Schill asked if there	DCEO	Still being investigated	November 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>was an alternative to the pub holding the key to the gym as people cannot use the gym while pub is closed and also people are using the gym without paying.</p> <p>Ms Sian Appleton said they are looking into this with different options eg: CRC Nullagine holding the key and taking payments for the use of the gym.</p>			
28 August 2015	13.1	<p>NEWMAN NETBALL COURTS Cr Gerry Parsons asked where the Shire of East Pilbara is with the repairs to the Newman Netball Courts, as the Northwest Championships are going to be held in Newman for 2016 and require the Courts to be fixed.</p> <p>Deputy Chief Executive Officer, Ms Sian Appleton replied that we are waiting on the supplier to undertake repairs and we will be contacting the Newman Netball Association to advise of progress.</p>	DCEO	Quotes received Newman Netball Association have been invited to discuss options	

10.2.2 AFFIXING COMMON SEAL TO CARPARKING AGREEMENT

Attachments:	Agreement for Carparking - Lots 18 and 21 Newman Drive - BHP-Mitsui- Itochu Minerals 2015.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To advise Council that the Common Seal has been affixed under delegated authority to the Agreement for Carparking – Lots 18 and 21 Newman Drive.

BACKGROUND

The Owners applied to the Shire for development approval for a retail facility, shop(s), restaurant and car parking on the Land (Development).

The Pilbara Joint Development Assessment Panel, approved the Development on 28 August 2013 subject to conditions including the following (Approval):

Prior to the issuance of a building permit for the proposed development No. 1 (Lot 18) Hilditch Avenue, Newman (Lot 18) and No. 69 (Lot 21) Newman Drive, Newman (Lot 21), the owner of Lots 18 and 21 shall enter into a deed of agreement with the Shire of East Pilbara (Shire) whereby the owner:-

- a. acknowledges that a total of 150 car parking bays is required for the proposed development on that portion of Lot 1 designated as 'Lot 1' on the proposed plan of subdivision of Lots 18 and 21 (Lot 1) and that the portion of Lot 18 to be amalgamated with the portion of closed road which is designated as 'Lot 2' on the proposed plan of subdivision (Lot 2) and the portion of Lot 21 to be amalgamated with the portion of closed road which is designated as 'Lot 3' on the proposed plan subdivision (Lot 3) are required to supply the stipulated total of 150 car parking bays for the proposed development on Lot 1;
 - b. agrees that any future development on Lot 2 and/or Lot 3 must incorporate as part of the development of those lots the provision of a combined total of 150 car parking bays for use by the proposed development on Lot 1; and
 - c. covenants that it shall not sell, transfer, lease or otherwise dispose of Lot 1, Lot 2, and/or Lot 3 separately unless an easement is granted or reserved as the case may be to the owner of Lot 1 for the use of the car parking bays on Lots 2 and 3, where Lots 1, 2 and 3 are sold, transferred, leased or disposed of to the same
-

person simultaneously, that person enters into an agreement with the Shire to cover the matters set out in paragraph s (a), (b) and (c) of this Condition.

COMMENTS/OPTIONS/DISCUSSIONS

The attached agreement was prepared to the satisfaction of the Shire and has been duly signed by all interested parties including the affixing of the Shire of East Pilbara's common seal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note that the Common Seal has been affixed, under delegated authority, to the Agreement for Carparking – Lots 18 and 21 Newman Drive.

10.2.3 AFFIXING OF THE COMMON SEAL TO THE MEMORANDUM OF UNDERSTANDING - NEWMAN COMMUNITY RADIO INC & SHIRE OF EAST PILBARA

File Ref: A702591
Attachments: [Memorandum of Understanding 05.10.2015.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Lot 2312, Newman
Name of Applicant: Newman Community Radio INC
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into a Memorandum of Understanding with the Newman Community Radio to service the local Triple J radio network.

Approval to affix the common seal of the Shire of East Pilbara to the MOU between the Newman Community Radio and the Shire of East Pilbara.

BACKGROUND

The Shire of East Pilbara was approached by Brett Kelly, Newman Community Radio to service the Triple J radio network. Newman Community Radio provided an offer to the Shire of East Pilbara to maintain the Triple J radio, for an annual fee of \$3000.00, and in addition, they will provide the Shire of East Pilbara with free advertising on the local community radio.

COMMENTS/OPTIONS/DISCUSSIONS

The proposal put forward to the Newman Community Radio is for the Shire of East Pilbara to donate annually for the service of the Triple J radio network and advertising with the following conditions;

- The donation will commence at \$3000.00 per year
- The donation will increase by 4% annually
- The term of the donation will be 3 x 1 year terms, commencing 1st July 2015.
- The Shire of East Pilbara will allocate the donation into a General Ledger held by the Shire of East Pilbara, which should cover the cost of the power consumption for the facility and leasing fees annually.
- Any surplus funds will be forwarded to the Newman Community Radio at the end of each financial year; any debts will be invoiced to Newman Community Radio.

As the Newman Community Radio is struggling to attract financial sponsorship, this donation to the Newman Community Radio will provide additional financial stability to

an organisation that plays an important role in providing local services and information to the community

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.2 Build strong community groups, networks and governance

FINANCIAL IMPLICATIONS

The funds to be transferred from General Ledger 111305

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve entering into the Memorandum of Understanding with Newman Community Radio in Newman commencing on the 1st July 2015.**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Memorandum of Understanding between the Newman Community Radio and the Shire of East Pilbara.**

10.2.4 AMENDMENT TO AUTHORISATION 3.5 DOG ACT 1976 - APPOINTMENTS

File Ref: RNG-1-9
Attachments: [3.5 Dog Act 1976 - Appointments.docx](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Emma Whakaruru
Coordinator Administration Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To request Council approve the amendment of Authorisation 3.5 – Dog Act 1976 Appointments to enable the CEO to authorise, under the conditions attached to the Authorisation, the Development Services Administration Officer and Technical Services Administration Officer as Registration Officers and Authorised Person for the purpose of s29 of the Act.

BACKGROUND

Authorisation 6.5 does not currently cover the need to provide coverage to receipt and process Dog applications during any absence/s when both Coordinator Administration Services and Customer Service Officers are on leave or unavailable.

COMMENTS/OPTIONS/DISCUSSIONS

This amendment is required to ensure that no development activities are delayed due to staff absences or unavailability.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the amendment to Authorisation 3.5 Dog Act 1976 – Appointments to include Development Services Administration Officer and Technical Services Administration Officer as Registration Officers and Authorised Persons for the purpose of s29 of the Act.

**10.2.5 AMENDMENT TO DELEGATIONS 4.45 BUSH FIRES ACT 1975 -
PROSECUTIONS AND 4.46 CAT ACT 2011 - DELEGATIONS**

File Ref: RNG-1, RNG-5-8 & RNG-5-9
Attachments: [Delegations 4.45 Bush Fires Act 1954 -
Prosecutions and 4.46 Cat Act 2011 0-
Delegations.docx](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Emma Whakaruru
Coordinator Administration Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To request Council approve the amendments of Delegations 4.45 Bush Fires Act 1954 – Prosecutions and 4.46 Cat Act 2011 – Delegations to change the wording Authorisation to Delegation and Authorise to Delegate. Also to request Council to approve the amendment of Delegation 4.46 Cat Act 2011 – Delegations to include Development Services Administration Officer and Technical Services Administration Officer under the conditions attached to delegation as Authorised Persons for the purpose of s42 of the Act.

BACKGROUND

Delegations 4.45 and 4.46 require updates to reflect correct wording on the Delegation forms. Delegations 4.46 does not currently cover the need to provide coverage to receipt and process Cat applications during any absence/s when both Coordinator Administration Services and Customer Service Officers are on leave or unavailable.

COMMENTS/OPTIONS/DISCUSSIONS

This amendment is required to ensure that no development activities are delayed due to staff absences or unavailability.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Endorse the following amendment to Delegations 4.45 - Bush Fires Act 1954 and 4.46 - Cat Act 2011; “Authorisation” to “Delegation” and “Authorise” to “Delegate”**
- 2. Endorse the amendment of Delegation 4.46 - Cat Act 2011; to include Development Services Administration Officer and Technical Services Administration Officer under the conditions attached to delegation as Authorised Persons for the purpose of s42 of the Act.**

10.2.6 AMENDMENT TO THE PURCHASING AND TENDER PROCEDURES POLICY

File Ref:	TCH-1-7
Attachments:	Current Purchasing and Tender Procedures Deptcirc16-2015 Amended Purchasing and Tender Procedures
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Dawn Brown Asset & Procurement Administration Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the amended Purchasing and Tender Procedures Policy to be included within the SoEP Policy Manual.

BACKGROUND

Council adopted the 2015/16 Policy Manual (*in its entirety*) at the Ordinary Council meeting held on the 26th June, 2015 (**Resolution: 201516/254**).

Council then adopted an amendment to the 2015/16 Purchasing and Tender Procedures Policy at the Ordinary Council meeting held on the 25th September, 2015 (**Resolution: 201516/48**). This amendment removed the list of officers that could raise purchase orders for the value of \$2,000 and replaced with "*Other Officers in line with procedures will have authority to authorise purchases to the value of \$2,000.*"

COMMENTS/OPTIONS/DISCUSSIONS

A Department of Local Government and Communities Circular (copy attached) dated 10th September, 2015 advises that commencing on the 1st October, 2015 amendments to the *Local Government (Functions and General) Regulations 1996* would take effect.

These amendments are as a result of recommendations made by the Local Government Steering Committee and the Corruption and Crime Commission (CCC) with the aim to improve the purchase and tendering practices of local government.

The key amendments are:

- The tender threshold has been increased from \$100,000 to \$150,000.
 - Additional circumstances when tenders do not need to be publically invited.
-

- Anti-avoidance provisions strengthened to ensure that contracts are not split for the purposes of avoiding the tender threshold.
- Regulation 16 has been amended to require that when tenders are opened there must be at least two employees of the local government present, or one local government employee and at least one person authorised by the Chief Executive Officer.
- A new regulation (Regulation 21A) that provides a contract cannot be varied once a local government has entered into a contract for the support of goods or services unless:
 - The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
 - The variation is a renewal or extension of the original term of the contract (in accordance with Regulation 11(2)(j)).
- Part 4 Division 3 has been inserted into the Regulations to introduce the ability for local governments to create a panel of pre-qualified suppliers.
- Regulation 13 of the *Local Government (Audit) Regulations 1996* has been amended to require local governments to carry out an audit of compliance for panels of tenders in accordance with section 7.13(1)(i) of the *Local Government Act 1995*.
- The prescribed value of abandoned vehicle wrecks under regulation 29A(a) has been increased to \$500.
- The consideration under 30(3)(b) has been increased to \$75,000 in regards to the disposition of property. This amendment clarifies that it is not the difference between the purchase price and the sale price, but the total consideration of the new property (\$75,000 or less).

The SoEP Purchasing and Tender Procedures Policy must be amended to reflect the relevant amendments made to the *Local Government (Functions and General) Regulations 1996*, and therefore the following changes have been made (copy attached):-

- The purchase amount \$40,000 - \$99,000 has been changed to \$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.
- The purchase amount \$100,000 & greater has been changed to \$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.

- All references to \$100,000 as the tender threshold have been changed to \$150,000.
- Under Regulatory Compliance two additional exemptions from the requirement to publically invite Tenders have been included, being if goods or services are obtained through:-
 - A person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less
 - An Australian Disability Enterprise

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the amended Purchasing and Tender Procedure Policy.

**10.2.7 EAST PILBARA INDEPENDENCE SUPPORT - LOT 702, PREVIOUSLY
LOT 300, OPTION TERM FOR LEASE AGREEMENT AT NORTH NEWMAN
RESERVE**

File Ref: A700751

Attachments: [EPIS Board Meeting Minutes 7 September 2015 - Option Term for Lease Agreement.pdf](#)
[Letter from EPIS - Option Term of lease agreement.pdf](#)

Responsible Officer: Mr Ben Lewis
Manager Assets and Procurement

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: Lot 702 North Newman Reserve

Name of Applicant: East Pilbara Independence Support Inc

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into the Option Term for the lease agreement between the Shire of East Pilbara and the East Pilbara Independence Support Inc (EPIS), located at North Newman Reserve, Reserve 41654, Lot 702 (previously known as Lot 300).

BACKGROUND

The Shire of East Pilbara entered into a lease agreement with East Pilbara Independence Support located at North Newman Reserve, for portion of Reserve 41654. The terms of the existing lease are:

Lease Schedule

Item 2 - Term

Ten (10) years commencing 23rd June 2005 for a period of 10 years,

Item 3 – Further Term

Ten (10) years commencing on 23rd June 2015 to 22 June 2025.

COMMENTS/OPTIONS/DISCUSSIONS

East Pilbara Independence Support has requested that the additional term option be endorsed by Council.

This was ratified by their board at its meeting on September 2015.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 Promote diverse, harmonious and caring communities

Responsible officer: MCW

Timing: 1-3 years

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council,

Approves the Shire of East Pilbara to enter into the Option Term of the lease agreement between East Pilbara Independence Support for ten (10) years commencing 23rd June 2015 to 23 June 2025 for portion of land located at North Newman Reserve, Reserve 41654, Lot 702, previously Lot 300, under the current lease agreement.

10.2.8 CAPE KERAUDREN ACCESS FOR THE NGARLA PEOPLE

Attachments:	15.10.02 - Ltr to S Appleton re Ngarla Access to Cape Keraudren.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Ben Lewis Manager Assets and Procurement
Location/Address:	A139135 - Cape Keraudren Reserve
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider the identification sticker system proposed by the Wanparta Corporation for access by the Ngarla People into the Cape Keraudren Reserve.

BACKGROUND

Council, at its June 2015 meeting resolved the following:

THAT Council

- 1. Approve the process for the Ngarla People to make application to receive free entry to Cape Keraudren based on their traditional obligations to country.***
- 2. Including sign off by the Ngarla People Legal Representatives.***

COMMENTS/OPTIONS/DISCUSSIONS

Following Council's decision, staff implemented the agreed process and the application forms were sent to the Ngarla People's legal representation for action so the approved stickers could be issued.

Since then, Council has received correspondence from Maclaren Legal advising that the Wanparta Corporation intend to produce a non-removable Ngarla identification sticker to be affixed to the motor vehicles owned by the Ngarla People only

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council,

Approve the identification sticker system proposed by the Wanparta Corporation for access by the Ngarla People into the Cape Keraudren Reserve.

10.2.9 AUDIT COMMITTEE REPORT 8TH OCTOBER 2015

File Ref: FIN-21-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

BACKGROUND

The Audit Committee met on the 8th October 2015 and the minutes of that meeting are attached.

COMMENTS/OPTIONS/DISCUSSIONS

Role of the Audit Committee

As a requirement of the Local Government Act the Audit Committee was formed “to provide an independent oversight of the financial systems of the local government on behalf of the Council. As such, the committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government’s financial reporting and audit responsibilities”.

STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Committee minutes.

POLICY IMPLICATIONS

Refer to attached Committee minutes.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management
Responsible officer: DCEO
Timing: 1 year

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council consider the following recommendations as presented the Audit Committee:-

AUDIT COMMITTEE RECOMMENDATION 1:

THAT the monthly financial statements for the period 1 July 2015 to 31 August 2015 of the 2015/16 financial year, as presented, be received.

10.2.10 TRANSFER OF OPERATIONAL MONEY TO CAPITAL

File Ref: FIN-23-10
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the transfer of money from the Cyclone Contingency operational account to a new capital account - Newman Christmas Tree.

BACKGROUND

Newman, Marble Bar and Nullagine all have Christmas Trees that are erected for the festive season. Last year the Newman Christmas tree was vandalised several times. An insurance claim was submitted for this damage and money was received.

COMMENTS/OPTIONS/DISCUSSIONS

At the 2015/16 budget the purchase of a new Christmas tree for Newman, using the insurance proceeds, was accidentally omitted. As it is seen as important to replace the tree for this forthcoming festive season money needs to be reallocated from operational matters into a capital account.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 4 - General financial provisions)

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with budgetary limits if \$25,000 is transferred from general ledger 41208 Cyclone / Storm Contingency Fund \$80,000 to newly created capital general ledger.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the transfer of money from the Cyclone Contingency operational account to a new capital account - Newman Christmas Tree.

10.2.11 SUNDRY DEBTORS WRITE OFF - LYONS & PEIRCE AND STL HOLDINGS

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Isabella Kloppers
Revenue Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to write off uncollectible debt from two companies placed under administration to the value of \$335,605.00.

BACKGROUND

Lyons & Peirce

We have received formal confirmation from Pitcher Partners on the 16th June 2015 that Lyons & Peirce Karratha had been placed under administration. In the months before this realised, they were attempting to adhere to a payment plan that had been set up between the Shire and their Head Office in Perth.

The last payment received was on the 21st May 2015. An amount of \$43,447.00 was paid towards invoice 64770 that had originally been raised for tip fees in October 2014 for an amount of \$104,034.00.

STL Holdings (Sargent)

On 23 April 2015, the Shire received correspondence from McGrath Nicol informing us that the company had been placed under administration.

The last payment received on the account was paid by the Administrators on the 29th May 2015. They have paid \$850.00 towards invoice 66065, originally raised for an amount of \$3,829.00 being tip fees for March 2015.

COMMENTS/OPTIONS/DISCUSSIONS

Lyons & Peirce

Please see below a summary of the accounts:

Invoice Number	Invoice Date	Amount	Description	Balance
66347	06/05/2015	\$ 11,440.00	Newman Tip Fees for the month of April 2015 Newman Tip Fees for the month of April 2015 GST	\$11,440.00
66058	09/04/2015	\$ 41,990.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 GST	\$41,990.00
65751	05/03/2015	\$ 57,980.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 GST	\$57,980.00
65513	05/02/2015	\$ 44,980.00	Newman Tip Fees for the month of January 2015 Newman Tip Fees for the month of January 2015 GST	\$44,980.00
65375	20/01/2015	\$ 63,856.00	Newman Tip Fees for the month of December 2014 Newman Tip Fees for the month of December 2014 GST	\$43,856.00
65129	11/12/2014	\$ 63,440.00	Newman Tip Fees for the month of November 2014 Newman Tip Fees for the month of November 2014 GST	\$63,440.00
64770	04/11/2014	\$104,034.00	Newman Tip Fees for the month of October 2014 Newman Tip Fees for the month of October 2014 Tip Fees - Liquid Waste (charged in 1000L increments) GST	\$60,587.00

STL Holdings

Invoice Number	Invoice Date	Amount	Description	Balance
66065	09/04/2015	\$ 3,829.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$2,979.00
65759	05/03/2015	\$ 8,353.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 Tip Fees - Wood, clean pallets, structural timber etc Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$8,353.00

STATUTORY IMPLICATIONS/REQUIREMENTS

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

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money;
or
 - (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Provision have been made for these items in the doubtful debts of the 14/15 financial year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT the Sundry Debtors listed below be written off:

Invoice Number	Invoice Date	Amount	Description	Balance
66347	06/05/2015	\$ 11,440.00	Newman Tip Fees for the month of April 2015 Newman Tip Fees for the month of April 2015 GST	\$11,440.00
66058	09/04/2015	\$ 41,990.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 GST	\$41,990.00
65751	05/03/2015	\$ 57,980.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 GST	\$57,980.00
65513	05/02/2015	\$ 44,980.00	Newman Tip Fees for the month of January 2015 Newman Tip Fees for the month of January 2015 GST	\$44,980.00
65375	20/01/2015	\$ 63,856.00	Newman Tip Fees for the month of December 2014 Newman Tip Fees for the month of December 2014 GST	\$43,856.00
65129	11/12/2014	\$ 63,440.00	Newman Tip Fees for the month of November 2014 Newman Tip Fees for the month of November 2014 GST	\$63,440.00
64770	04/11/2014	\$104,034.00	Newman Tip Fees for the month of October 2014 Newman Tip Fees for the month of October 2014 Tip Fees - Liquid Waste (charged in 1000L increments) GST	\$60,587.00

Invoice Number	Invoice Date	Amount	Description	Balance
66065	09/04/2015	\$ 3,829.00	Newman Tip Fees for the month of March 2015 Newman Tip Fees for the month of March 2015 Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$2,979.00
65759	05/03/2015	\$ 8,353.00	Newman Tip Fees for the month of February 2015 Newman Tip Fees for the month of February 2015 Tip Fees - Wood, clean pallets, structural timber etc Tip Fees - Tyres (Car) Tip Fees - Tyres (Light Truck) Tip Fees - Tyres (Truck) GST	\$8,353.00

10.2.12 MONTHLY FINANCIAL STATEMENTS - AUGUST 2015

Attachments:	August 2015 Variance Report.doc August Financials.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

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

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

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

10.2.13 CREDITORS FOR PAYMENT

File Ref: FIN23-9

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Jeanette Bessell
Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 25 September 2015.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT30121 – EFT30580	\$3,350,274.52
	Total	\$3,350,274.52
Cheque Payments	CHQ23751 – CHQ23823	135,035.70
Manual Cheque Payments	CHQ248 – CHQ249	31,293.48
	Total	\$166,329.18
	GRAND TOTAL	<u>\$3,516,603.70</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CHQ23804, CHQ23805 and CHQ23806

CANCELLED CHEQUES & EFTS

EFT30232, EFT30298, EFT30299, EFT30300, EFT30301, EFT30302, EFT30303, EFT30304, EFT30402, EFT30517, EFT30542 and EFT30574

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg 11

- (1) *A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of –*
- (a) *cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and*
 - (b) *petty cash systems.*

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg 12

- (1) *A payment may only be made from the municipal fund or the trust fund –*
- (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds – by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$3,516,603.70

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

FUND	VOUCHER	AMOUNT
EFT Payments	EFT30121 – EFT30580	\$3,350,274.52
	Total	\$3,350,274.52
Cheque Payments	CHQ23751 – CHQ23823	135,035.70
Manual Cheque Payments	CHQ248 – CHQ249	31,293.48
	Total	\$166,329.18
	GRAND TOTAL	<u><u>\$3,516,603.70</u></u>

10.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

10.3.1 DIRECTOR TECHNICAL & DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - SEPTEMBER 2015

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Director Technical and Development Services for September 2015 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS CEO DCEO MDSP	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and marked points of interest for future tourist mapping. Executive to allocate resources to develop themes and seek funding	Pending
24th July 2015	13.3	NULLAGINE – BLUE HOUSE Cr Bidy Schill asked who does the Blue House belong too as it is empty and could be used by community groups/members of the public. Can a letter be written to ask what they intend doing to the Blue House. Ms Sian Appleton, Deputy CEO replied it is owned by the Water Corporation and letter will be written.	MDS-Building	MDS-Building to follow up Letter to Water Corporation has been written.	Awaiting response
28 August 2015	13.4	RSL PARK MARBLE BAR Cr Dean Hatwell asked if it was possible to review the concept of the RSL Park layout and if possible to extend the playing area of the park.	MTS-R MAP	To be investigated and options reported back to Council Survey being undertaken	December 2015
28 August 2015	13.5	WORKS MARBLE BAR Cr Dean Hatwell asked if the Councillors could get an	MTS-R MAP	List of projects to be detailed and	December 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		update or information on works scheduled for this financial year in Marble Bar.		approximant time to be advised Being Developed	
28 August 2015	13.6	<p>OLD CATHOLIC CHURCH MARBLE BAR Cr Stephen Kiernan asked if the Shire of East Pilbara could take responsibility of the old Catholic Church as it is deteriorating, and vandals are breaking in destroying the church. Furthermore can discussions be made with the Catholic Church and Shire of East Pilbara on the future of the church? Ms Sian Appleton, Deputy Chief Executive Officer to follow up.</p>	MDS-B	Manager Building to follow up. In the hands of Marble Bar Community	Completed

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**

13 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

13.1 CHIEF EXECUTIVE OFFICER

**13.1.1 NEWMAN TOWN SQUARE - MEMORANDUM OF UNDERSTANDING WITH
LANDCORP**

File Ref: PLN-3-8
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer

PURPOSE

To authorise the signing of the Newman Town Square memorandum of understanding (MOU) between Landcorp and the Shire of East Pilbara.

OFFICER'S RECOMMENDATION

That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.

OFFICER'S RECOMMENDATION

THAT Council authorise the signing of the Memorandum of Understanding and access licence – Newman Town Centre between the Shire of East Pilbara and Landcorp.

OFFICER'S RECOMMENDATION

THAT in accordance with Section 5.23 (1) of the Local Government Act 1995 the meeting is open to members of the public.

14 GENERAL BUSINESS

15 DATE OF NEXT MEETING

As per Council Resolution OCM23102015

16 CLOSURE