

Unconfirmed copy of Minutes of
Meeting held on 24 April 2014 subject
to confirmation at meeting to be held
on 23 May 2014



EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Newman,
10.00 AM, THURSDAY, 24 APRIL, 2014.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	5
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	5
2.1	ATTENDANCES	5
2.2	APOLOGIES	5
2.3	LEAVE OF ABSENCE	5
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	5
4	PUBLIC QUESTION TIME	5
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	6
6	APPLICATIONS FOR LEAVE OF ABSENCE	6
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	6
7.1	CONFIRMATION OF COUNCIL MINUTES	6
7.2	PILBARA REGIONAL COUNCIL MINUTES	6
8	MEMBERS REPORT	7
8.1	ITEMS FOR RECOMMENDATION	7
8.2	ITEMS FOR INFORMATION.....	7
9	OFFICER'S REPORTS	9
9.1	CHIEF EXECUTIVE OFFICER.....	9
9.1.1	CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS MARCH 2014.....	9
9.1.2	PASTORAL LANDS BOARD STAKEHOLDER FORUM MARBLE BAR 22 MAY 2014.....	11
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	14
9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MARCH 2014	14
9.2.2	OFFICIAL NAMING OF THE EAST PILBARA ART CENTRE....	19

9.2.3	PUBLIC NOTICE OF DIFFERENTIAL RATING	21
9.2.4	RFT 17-2013/2014 - CONSTRUCTION ON LOT 1913, NEWMAN DRIVE, NEWMAN, EAST PILBARA ARTS CENTRE.....	25
9.2.5	AFFIXING COMMON SEAL TO THE CONTRACT FOR CONSULTANCY SERVICES FOR THE IMPLEMENTATION OF THE ECONOMIC DEVELOPMENT AND TOURISM STRATEGY - NOELKER CONSULTING PTY LTD.....	29
9.2.6	AFFIXING COMMON SEAL TO THE CONTRACT FOR SUPPLY AND INSTALLATION OF BOOMERANG OVAL PLAYGROUND AND DOG AGILITY PARK – LANDSCAPING WA PTY LTD	31
9.2.7	AFFIXING COMMON SEAL TO THE DEED OF SURRENDER OF LEASE (RACHLAN HOLDINGS PTY LTD - SMOOTHY HELICOPTER SERVICES)	34
9.2.8	AFFIXING COMMON SEAL TO THE LEASE TRANSFER DEED - LINKFORCE ENGINEERING PTY LTD TO MT NEWMAN MICROLIGHTS	37
9.2.9	AFFIXING COMMON SEAL TO THE LICENSE AGREEMENT WITH QANTAS FOR USE AND OCCUPATION OF ASSIGNED FLOOR SPACE (FOR TWO SELF CHECK IN KIOSKS) NEWMAN AIRPORT	41
9.2.10	AFFIXING COMMON SEAL TO THE TRU-LINE EXCAVATIONS & PLUMBING CONTRACT	44
9.2.11	USE OF NEWMAN HOUSE RESERVE FUNDING FOR PURCHASE OF AIRCONDITIONERS	47
9.2.12	ANNUAL MONETARY SUPPORT FOR NEWMAN HOUSE	50
9.2.13	NEWMAN BUSINESS INCUBATOR	53
9.2.14	APPROVAL OF NEW CAPITAL EXPENDITURE NOT PREVIOUSLY ALLOWED FOR IN 2013/14 BUDGET	56
9.2.15	ADOPTION OF PROPOSED FEES AND CHARGES 2014/15 ..	59
9.2.16	TRANSFER OF OPERATIONAL BUDGET ALLOCATION TO CAPITAL BUDGET	61
9.2.17	PURCHASING AND TENDER PROCEDURES POLICY UPDATE	63
9.2.18	NEW POLICY - RISK MANAGEMENT	72

9.2.19	NEW POLICY - CORPORATE CREDIT CARD	77
9.2.20	NEW POLICY AND PROCEDURES - LEGISLATIVE COMPLIANCE	87
9.2.21	MONTHLY FINANCIAL STATEMENTS – MARCH 2014	97
9.2.22	CREDITORS FOR PAYMENT	100
9.3	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES .	103
9.3.1	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - MARCH 2014	103
9.3.2	AUTHORITY TO AFFIX COMMON SEAL AND SIGN A DEED OF UNDERTAKING - NEWMAN SHOPPING CENTRE CARETAKER'S DWELLING	109
9.3.3	PROPOSED AMALGAMATION OF RESERVES 33851 AND 36566 NULLAGINE	111
9.3.4	PROPOSED CLOSURE OF RIGHT OF WAY BETWEEN LOTS 251 AND 13 COOKE STREET, NULLAGINE	114
9.3.5	REQUIREMENT TO NAME NEW ROADS - LOT 511 GREAT NORTHERN HIGHWAY, NEWMAN	118
9.3.6	APPOINTMENT OF AUTHORISED OFFICERS FOR THE SHIRE OF EAST PILBARA	122
9.3.7	APPROVAL OF NEW EXPENDITURE NOT PREVIOUSLY ALLOWED FOR IN BUDGET – COMMUNITY SAFETY – LIGHTING PROJECTS.....	126
9.3.8	APPROVAL TO DISPOSE OF CONFISCATED OR UNCOLLECTED GOODS.....	129
9.3.9	AMENDMENT TO PARKING STATION DETERMINATION - NEWMAN AIRPORT	133
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	138
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	138
11.1	TENDER PRC 001/14 - SUPPLY AND INSTALLATION OF SCREENING EQUIPMENT AT KARRATHA AIRPORT, NEWMAN AIRPORT AND PORT HEDLAND INTERNATIONAL AIRPORT BE ACCEPTED AS ITEM 11.1.1	138

11.1.1	TENDER PRC 001/14 - SUPPLY AND INSTALLATION OF SCREENING EQUIPMENT AT KARRATHA AIRPORT, NEWMAN AIRPORT AND PORT HEDLAND INTERNATIONAL AIRPORT	138
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	143
12.1	MEETING CLOSED TO MEMBERS OF THE PUBLIC.....	143
12.1.1	AFFIXING COMMON SEAL TO EMPLOYMENT CONTRACT DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES..	144
12.1.2	ANNUAL PERFORMANCE REVIEW APPRAISAL - CHIEF EXECUTIVE OFFICER.....	145
12.2	MEETING OPEN TO MEMBERS OF THE PUBLIC	146
13	GENERAL BUSINESS.....	146
13.1	NO CAMPING SIGNS	146
13.2	FLAGPOLE MARBLE BAR POOL.....	146
13.3	LANDSCAPING MINDARRA DRIVE.....	146
13.4	FIRE STATION NEWMAN RECLAIM WATER.....	146
13.5	ASHBURTON ABORIGINAL CORPORATION CLEAN UP	146
13.6	FUTURE HOSTEL	147
13.7	NEWMAN AIRPORT STAFF PARKING	147
13.8	NEW SHOPPING CENTRE.....	147
13.9	PRODUCING A FILM IN THE SHIRE OF EAST PILBARA.....	147
14	DATE OF NEXT MEETING	147
15	CLOSURE	147

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:14AM.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

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

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mrs Sheryl Pobrica

Chief Executive Officer
Deputy Chief Executive Officer
Executive Services Administration Officer

Public Gallery

Nil

2.2 APOLOGIES

Councillor Apologies

Stephen Kiernan

Officer Apologies

Mr Rick Miller

Director Technical and Development
Services.

2.3 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF COUNCIL MINUTES

MOVED: Cr Shane Carter

SECONDED: Cr Anita Grace

[Minutes March 14 2014 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/247

THAT the minutes of the Ordinary Meeting of Council held on 14 March 2014, be confirmed as a true and correct record of proceedings.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer.

7.2 PILBARA REGIONAL COUNCIL MINUTES

MOVED: Cr Anita Grace

SECONDED: Cr Doug Stead

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/248

THAT the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 7 April 2014, be received.

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

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

10:28 AM Cr Lang Coppin left Chambers.

10:29 AM Cr Lang Coppin returned to the Chambers

8.2 ITEMS FOR INFORMATION

Cr Dean Hatwell

- Attended Marble Bar Tourist Association meeting.
- Attended Marble Bar Race Club meeting.
- Attended Progress Association Marble Bar meeting.
- Attended Inaugural Agency Meeting.

Cr Biddy Schill

- Attended Nullagine Town Meeting.
- Attended Inland Health Advisory Council meeting.
- Attended the judging panel for artist residency award.

Cr Lang Coppin

- Attended WA Farmers Conference.

Cr Shane Carter

- Attended Newman Visitors Centre committee meeting.

Cr Doug Stead

- Attended opening event Newman Visitor Centre Short Stay Accommodation.
- Attended EPIS Board meeting.

Cr Gerry Parsons

- Attended NCCI meeting.
- Attended opening event Newman Visitor Centre Short Stay Accommodation.
- Attended public hearing grants commission meeting.
- Attended Newman Hotel Motel opening new restaurant.
- Attended Newman Neighbourhood Centre meeting

Cr Anita Grace

- Attended PRC meeting Perth.
- Attended Road Group meeting.
- Attended Environmental meeting regarding fracking.
- Attended Kujungka committee meeting.
- Attended opening event Newman Visitor Centre Short Stay Accommodation.
- Attended NCCI meeting.

Cr Lynne Craigie

- Attended PRC Meeting Perth.
- Attended Reform Tool Kit Launch – WALGA.
- Attended Housing Industry meeting.
- Attended Main Roads SAC meeting.
- Attended Newman Neighbourhood Centre – Meet your neighbour event.
- Attended Citizenship Ceremony
- Attended Presentation from Landcorp.
- Attended PDC meeting Tom Price.
- Attended Country Reform meeting – WALGA.
- Attended Horizon Power meeting Esperance.
- Attended ALGA meeting Canberra.
- Attended Selection meeting – WALGA
- Attended Honours panel meeting – WALGA
- Attended the opening of Local Government House.
- Attended State Council meeting.
- Attended International Women’s Day judging panel.
- Attended Newman Women’s Shelter meeting.
- Attended Councillors monthly shopping centre visit.
- Attended Working Group with BHP Billiton.
- Attended RDA meeting.
- Attended the Welcome to Newman BHP Billiton.
- Attended the BHP Billiton Jimblebar official opening of Minesite and camp.
- Attended meeting with Hon Terry Redman Minister for Regional Development who will be coming up to Newman in June regarding upgrading of the Newman Hospital.

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS MARCH 2014

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.

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/COUNCIL RESOLUTION: 201314/249

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT the "Status of Council Decisions" – Chief Executive Officer for March 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
27 September 2013	13.4	SUPPORT FOR MR JACK BENNETT Cr Lang Coppin has asked the Council to support Mr Jack Bennett in his request for help in receiving funding as he does a great service to the community and people who travel on the desert roads.	CEO	Being considered	
31 January 2014	9.1.16	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	President		April 2014 Agenda
31 January 2014	9.1.8	EXTENSION OF LEASE KURRA VILLAGE	CEO		On Going

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

To be actioned by Mr Allen Cooper, Chief Executive Officer.

**9.1.2 PASTORAL LANDS BOARD STAKEHOLDER FORUM MARBLE BAR 22
MAY 2014**

File Name: AF PASTORAL LANDS BOARD STAKEHOLDER FORUM MARBLE BAR 22 MAY 2014.docx - This line will not be
printed do not delete

File Ref: ORG-5-32
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Proposed Meeting Date: 24 April 2014
Location/Address: Marble Bar Civic Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

10:58 AM Cr Anita Grace left Chambers.

11:00 AM Cr Anita Grace returned to the Chambers

REPORT PURPOSE

To seek Council's approval to nominate two (2) elected members to attend the Pastoral Lands Board stakeholder forum in Marble Bar on 22 May 2014.

BACKGROUND

The Pastoral Lands Board (Board) will be in Marble Bar on 22 May 2014 to meet with stakeholders of the region and will be accompanied by the Department of Lands who wish to engage with pastoral lessees about the 2015 pastoral lease renewals and the draft 2015 pastoral lease document.

Lessees and interested parties are invited to join the Board at the Marble Bar Civic Centre.

The Board will open the forum at 12:30pm with a brief summary of current topics and issues followed by an open discussion and questions from lessees.

The second half of the program will focus on the 2015 pastoral lease renewals and Department of Lands consultation with lessees regarding:

- Lease options and explanatory addendum
- Exclusion areas and compensation for any lawful improvements
- Compliance issues
- Mortgages and encumbrances
- Re-issue of Division 5 Permits

The program closes at 5:30pm and attendees are invited to join the Board and the Department of Lands for drinks and a barbeque at the Ironclad Hotel afterwards.

COMMENTS/OPTIONS/DISCUSSIONS

Council should nominate two (2) elected members to attend the Pastoral Lands Board Stakeholder forum in Marble Bar on 22 May 2014. It is suggested that Cr Lang Coppin be nominated and one other Council member.

RSVP's are due by 13 May 2014.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council nominate the following two (2) elected members to attend the Pastoral Lands Board stakeholder forum in Marble Bar on 22 May 2014:

1. Cr Lang Coppin

2. _____

COUNCIL RESOLUTION: 201314/250

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT Council nominate the following three (3) elected members to attend the Pastoral Lands Board stakeholder forum in Marble Bar on 22 May 2014:

- 1. Cr Lang Coppin**
- 2. Cr Kevin Danks**
- 3. Cr Dean Hatwell**

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

Reason for Non Acceptance of Officer's Recommendation: Council accepted all Councillors who wished to attend the stakeholder forum in Marble Bar to attend.

To be actioned by Mr Allen Cooper, Chief Executive Officer.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

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

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 March 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
23 August 2013	13.5	CIVIC CENTRE – MARBLE BAR Cr Stephen Kiernan asked if the flooring can be repaired or replaced due to wear and tear. Also the window could be tinted and lights checked. Manager Building Assets to follow up	MBA	Windows and tinting completed. Flooring still being assessed.	In Progress
25 October 2013	15.1	SKATE PARK AND BANNERS FOR MARBLE BAR Cr Stephen Kiernan asked when the mobile skate park and banners would be purchased for Marble Bar. Deputy Chief Executive Officer replied that the banners had been purchased and is awaiting delivery to Nullagine and Marble Bar. Further information is currently being sought on the mobile skate park and this will come back to the next Council meeting.	DCEO	Banners are purchased and delivered to be installed MB Skate Park is being addressed after reseal of tennis courts.	Scoping of site underway for skate park. Banner poles approved by Main Roads and due to go up shortly.
6 December 2013	13.11	CAPE KERAUDREN Cr Lang Coppin asked about the running and managing cost for Cape Keraudren. Deputy Chief Executive Officer replied a report was currently being undertaken by the Manager Building Assets.	MBA	In Agenda	May Agenda 2014
14 March 2014	9.2.20	MARBLE BAR RESERVE 2906 – CONSIDERATION OF GAUGING CABLEWAY (FLYING FOX)	MBA	Waiting for response from Department of Water & Rivers	On Going

COUNCIL RESOLUTION: 201314/251

MOVED: Cr Shane Carter

SECONDED: Cr Dean Hatwell

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
23 August 2013	13.5	CIVIC CENTRE – MARBLE BAR Cr Stephen Kiernan asked if the flooring can be repaired or replaced due to wear and tear. Also the window could be tinted and lights checked. Manager Building Assets to follow up	MBA	Windows and tinting completed. Flooring still being assessed.	In Progress
25 October 2013	15.1	SKATE PARK AND BANNERS FOR MARBLE BAR Cr Stephen Kiernan asked when the mobile skate park and banners would be purchased for Marble Bar. Deputy Chief Executive Officer replied that the banners had been purchased and is awaiting delivery to Nullagine and Marble Bar. Further information is currently being sought on the mobile skate park and this will come back to the next Council meeting.	DCEO	Banners are purchased and delivered to be installed MB Skate Park is being addressed after reseal of tennis courts.	Scoping of site underway for skate park. Banner poles approved by Main Roads and due to go up shortly.
6 December 2013	13.11	CAPE KERAUDREN Cr Lang Coppin asked about the running and managing cost for Cape Keraudren. Deputy Chief Executive Officer replied a report was currently being undertaken by the Manager Building Assets.	MBA	In Agenda	May Agenda 2014

14 March 2014	9.2.20	MARBLE BAR RESERVE 2906 – CONSIDERATION OF GAUGING CABLEWAY (FLYING FOX)	MBA	Waiting for response from Department of Water & Rivers	On Going
14 March 2014	13.10	NEWMAN SKATE PARK Cr Gerry Parsons tabled a letter regarding the Shire if they could build a better skate park or if they cannot then want improvements could be done to make the skate park a better place for the community to use. The Chief Executive Officer stated the correspondence has been received and will be considered.	DCEO		

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

Reason for Non Acceptance of Officer's Recommendation: Cr Gerry Parsons asked if the request for Item 13.10 Newman Skate Park, 14th March 2014 be included on the action list.

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.2 OFFICIAL NAMING OF THE EAST PILBARA ART CENTRE

File Ref:	A400084
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Proposed Meeting Date:	24 April 2014
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Member of the Arts Facility and Gallery Kujungka Steering Committee

REPORT PURPOSE

To seek Council's endorsement of the name for the new art facility as recommended by the Arts Facility and Gallery Kujungka Steering Committee.

BACKGROUND

The construction of the new Shire of East Pilbara art facility has recently gone out for tender. The facility will house the existing Martumili operation, a new art gallery and a community art space. Construction should begin early June subject to acceptance of the tender within this agenda.

COMMENTS/OPTIONS/DISCUSSIONS

The Arts Facility and Gallery Kujungka Steering Committee have muted several names for the facility and have unanimously endorsed the name East Pilbara Art Centre. The Kujungka therefore is requesting Council to officially endorse this name.

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.

2.3 Art, culture and youth

2.3.3 Foster artistic and creative expression

Responsible officer: DCEO

Timing: 1-3 years

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/252

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT Council endorse the name for the new art facility as the East Pilbara Art Centre as recommended by the Arts Facility and Gallery Kujungka Steering Committee.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.3 PUBLIC NOTICE OF DIFFERENTIAL RATING

File Ref: FIN-22-7
Attachments: [Objects and Reasons 1415.doc](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Davis
Coordinator Financial Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the continued implementation of our current differential rating categories and to authorise the giving of public notice of its intention to impose differential rate categories with the adoption of the 2014/2015 budget.

BACKGROUND

Council has adopted a process of differential rating since the 2006/2007 budget. Part of the process is that the intention to differentially rate must be advertised by public notice. In order to again consider differential rates for the 2014/2015 budget advertising must be undertaken.

The current rating categories are as follows, assuming a 3% increase in rates.

Rate in \$Minimum

Gross Rental Value – Industrial	1.7011	\$650
Gross Rental Value – Town Centre	4.1128	\$650
Gross Rental Value – Nullagine Townsite	7.3178	\$400
Gross Rental Value – Transient Workforce Accommodation	3.2680	\$650
Gross Rental Value – Other	1.7684	\$650
Unimproved Value – Pastoral/Special Leases	4.5124	\$200
Unimproved Value – AML Leases	17.698	\$200
Unimproved Value – Mining Leases	17.698	\$200
Unimproved Value – General Leases	17.698	\$200
Unimproved Value – Petroleum Leases	17.698	\$200
Unimproved Value – Exploration Leases	15.575	\$200
Unimproved Value – Prospecting Leases	15.575	\$200

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

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

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

COMMENTS/OPTIONS/DISCUSSIONS

Whether Council does, or does not, proceed with differential rating for the 2013/2014 budget the authorisation to advertise (the possibility) needs to be given now so that statutory time frames can be met in order for the budget to be adopted as scheduled. Under the Local Government Act, 21 days notice must be given for public submissions to be received by Council before adopting differentials.

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

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) –
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
 - (b) is to contain –

- (i) details of each rate or minimum payment the local government intends to impose;
- (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
- (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;

And

- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government –
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
- It is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/253

MOVED: Cr Dean Hatwell

SECONDED: Cr Shane Carter

THAT Council

1. Support in principle the following differential rates, subject to the finalisation of the 2014/2015 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:

Rate in \$ Minimum

Gross Rental Value – Industrial	1.7011	\$650
Gross Rental Value – Town Centre	4.1128	\$650
Gross Rental Value – Nullagine Townsite	7.3178	\$400
Gross Rental Value – Transient Workforce Accommodation	3.2680	\$650
Gross Rental Value – Other	1.7684	\$650

Unimproved Value – Pastoral/Special Leases	4.5124	\$200
Unimproved Value – AML Leases	17.698	\$200
Unimproved Value – Mining Leases	17.698	\$200
Unimproved Value – General Leases	17.698	\$200
Unimproved Value – Petroleum Leases	17.698	\$200
Unimproved Value – Exploration Leases	15.575	\$200
Unimproved Value – Prospecting Leases	15.575	\$200

2. Give local public notice of its intention to implement differential rating in 2014/2015.
3. Apply to the Minister for Local Government for approval to impose differential rates that exceed the statutory two times limit in both the GRV and UV areas for the 2014/2015 financial year

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Ms Lisa Davis, Coordinator Financial Services.

**9.2.4 RFT 17-2013/2014 - CONSTRUCTION ON LOT 1913, NEWMAN DRIVE,
NEWMAN, EAST PILBARA ARTS CENTRE**

Attachments: [Confidential](#)
File: A400084
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Glenn Britton
Manager Assets and Procurement
Location/Address: Lot 1913 Newman Drive, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider tenders for construction of the East Pilbara Art Centre; Newman Drive allowed for in the 2013/14 adopted budget.

BACKGROUND

For the East Pilbara Arts Centre this was approved by Council on the 31st August 2013, refer to item 9.2.8.

The Shire of East Pilbara engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for RFT 17 2013/2014 Construction on Lot 1913 for an Art Centre - Lot 1913 Newman Drive, Newman, Western Australia.

The tender was advertised in the West Australian and the WALGA TenderLink Portal on 8 February 2014.

The tender period closed on the 18 March 2014 with 8 tender submissions received for evaluation and are attached as confidential.

Tender submissions were received from the following organisations:

	Tenderer:	ABN:	Address:
1.	ACorp Construction Pty Ltd 54 153 447 655		Suite 3, 10 Reid Promenade Joondalup WA 6027
2.	CPD Group Pty Ltd	73 065 211 930	113 Kew Street Welshpool WA 6106

3.	Crothers Construction Pty Ltd	56 084 751 511	P.O. Box 11 Geraldton WA 6531
4.	Megara Constructions Pty Ltd	55 138 294 185	PO Box 140 Leederville WA 6007
5.	Outback Constructors of Australia Pty Ltd	62 151 186 597	823 Wellington Street West Perth WA 6005
6.	OTOC Australia Pty Ltd	32 128 703 248	Level 12, 3 Hasler Road Osborne Park WA 6017
7.	Pindan Contracting Pty Ltd	51 120 076 360	PO Box 93 Belmont WA 6984
8.	Wildgeese Building Group Australia Pty Ltd	43 111 327 514	Po Box 39251 Winnellie NT 0821

COMMENTS/OPTIONS/DISCUSSIONS

Funding for this project has been provided by BHP Billiton, Royalties for Regions and Lotteries West.

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

The assessment recommended that the most advantageous offers to Council was from Pindan Contracting Pty Ltd.

The recommended tender for the project was within budget allocation.

Council endorsement of the recommended tender will trigger application for final BHP funding approval.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

Goal 2 – Social – Planned Actions

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

- 2.1 Health and recreation
 - 2.1.2 Encourage active lifestyles

Goal 3 – Economic – Planned Actions

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

- 3.3 Provide adequate community infrastructure
 - 3.3.1 Ensure well managed and equitable provision of community infrastructure

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation GL#119414, \$7,500.000.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/254

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council approves Tender RFT 17 2013/2014 to Pindan Contracting Pty Ltd for the price of \$6,561,930.58 excluding GST, subject to the approval of funding from BHP Billiton and Lotterywest.

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

To be actioned by Mr Glenn Britton, Manager Assets and Procurement.

9.2.5 AFFIXING COMMON SEAL TO THE CONTRACT FOR CONSULTANCY SERVICES FOR THE IMPLEMENTATION OF THE ECONOMIC DEVELOPMENT AND TOURISM STRATEGY - NOELKER CONSULTING PTY LTD

File Ref: LEG-13-3-19
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

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for Noelker Consulting Pty Ltd to undertake Consultancy Services for the Implementation of the Economic Development and Tourism Strategy.

BACKGROUND

At the Council meeting held on 14th March, 2014, Council resolved to award Tender RFT 19-2013/2014 to Noelker Consulting Pty Ltd (Resolution 201314/237).

Following Council's resolution the Contract between the Shire and Noelker Consulting Pty Ltd has been drawn up.

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 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

Goal 3 – Economic – Planned Actions

- 3.1.3 Encourage tourism
Responsible officer: DCEO
Timing: 1-5 years
- 3.1.2 Build a thriving and diverse economy
Responsible officer: DCEO
Timing: 1-5 years
- 3.3.3 Provide infrastructure to support economic development
Responsible officer: DCEO
Timing: 1-5 years

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

- 3.4 Land use and development control

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/255

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council give approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for Noelker Consulting Pty Ltd to undertake Consultancy Services for the Implementation of the Economic Development and Tourism Strategy.

**CARRIED
RECORD OF VOTE: 9 - 1**

To be actioned by Ms Dawn Brown, Asset & Procurement Administration Officer.

**9.2.6 AFFIXING COMMON SEAL TO THE CONTRACT FOR SUPPLY AND
INSTALLATION OF BOOMERANG OVAL PLAYGROUND AND DOG
AGILITY PARK – LANDSCAPING WA PTY LTD**

File Ref: LEG-13-3-18
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

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between the Shire of East Pilbara and Landscaping WA Pty Ltd with respect to the Supply and Installation of Playground Equipment, Dog Agility Equipment, Furniture and Landscaping at Boomerang Oval.

BACKGROUND

At the Council meeting held on 14th March, 2014, Council resolved to award Tender RFT 18-2013/2014 to Landscaping WA Pty Ltd. (Resolution 201314/238).

Following Council's resolution the Contract between the Shire and Landscaping WA Pty Ltd has been drawn up.

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 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

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.

2.1 Health and recreation

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/256

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council give approval for 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 Landscaping WA Pty Ltd with respect to the Supply and Installation of Playground Equipment, Dog Agility Equipment and Furniture and Landscaping at Boomerang Oval.

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

To be actioned by Ms Dawn Brown, Asset & Procurement Administration Officer,

**9.2.7 AFFIXING COMMON SEAL TO THE DEED OF SURRENDER OF LEASE
(RACHLAN HOLDINGS PTY LTD - SMOOTHY HELICOPTER SERVICES)**

File Ref: A700789
Responsible Officer: Mr Rick Miller
Director Technical & Development Services
Author: Mr Leon Burger
Chief Operating Officer Airports
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 Deed of Surrender of Lease between the Shire of East Pilbara and Rachlan Holdings Pty Ltd (Smoothy Helicopter Services) with respect to Lease Area 8 at Newman Airport, and a Lease Agreement between the Shire of East Pilbara and Fortescue Helicopters for Lease Area 8 at Newman Airport.

BACKGROUND

The original Lease dated 21st February, 2010 was for a period of five years commencing on the 1st July, 2009 with the option of an additional lease period of five years.

On the 29th January 2014 the Shire of East Pilbara received correspondence from Fortescue Helicopters that they were purchasing the helicopter aerial mustering business and aircraft hangar located at the Newman Airport from Rachlan Holdings Pty Ltd. This is conditional upon approval of a lease of Lease Area 8 to Fortescue Helicopters. Rachlan Holdings have agreed to surrender the lease to this hangar block.

COMMENTS/OPTIONS/DISCUSSIONS

The Lease between the Shire of East Pilbara and Rachlan Holdings Pty Ltd will be surrendered as at 30 April 2014.

The Department of Lands has accepted the Surrender of Lease to Lease Area 8 from Rachlan Holdings Pty Ltd effective 30 April 2014.

The Department of Lands has approved the lease of Lease Area 8 to Fortescue Helicopters with effect from 1 May 2014.

The Lease between the Shire of East Pilbara and Fortescue Helicopters will commence on 1 May 2014 for a period of seven years, with two further optional terms of five years each, at a rate of \$13,235.95 (plus GST) per annum, and subject to a 1% rate increase on each anniversary of the lease. These conditions were

negotiated with Fortescue Helicopters in order to align the new Lease Agreement with that and the rates adopted by Council Resolution 201011/201:

“THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.”

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/257

MOVED: Cr Anita Grace

SECONDED: Cr Shane Carter

THAT Council note the Common Seal has been affixed under delegated authority to the Deed of Surrender of Lease between the Shire of East Pilbara and Rachlan Holdings Pty Ltd (Smoothy Helicopter Services) with respect to Lease Area 8 at Newman Airport.

THAT Council note the Common Seal has been affixed under delegated authority to the Lease Agreement between the Shire of East Pilbara and Fortescue Helicopters with respect to Lease Area 8 at Newman Airport, to commence on 1 May 2014 for a period of seven years, with two further optional terms of five years each, at a rate of \$13,235.95 (plus GST) per annum, and subject to a 1% rate increase on each anniversary of the lease.

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

To be actioned by Mr Leon Burger, Chief Operating Officer Airports.

**9.2.8 AFFIXING COMMON SEAL TO THE LEASE TRANSFER DEED -
LINKFORCE ENGINEERING PTY LTD TO MT NEWMAN MICROLIGHTS**

File Ref: A701063
Responsible Officer: Mr Rick Miller
Director Technical & Development Services
Author: Leon Burger
Chief Operating Officer Airports
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 Lease Transfer Deed between the Shire of East Pilbara, Linkforce Engineering Pty Ltd and C & S Handley Pty Ltd & L & J McNamara Pty Ltd (t/a Mt Newman Microlights) with respect to Lease Area 9 at Newman Airport.

BACKGROUND

The original Lease between the Shire of East Pilbara and Linkforce Engineering Pty Ltd commenced on the 11th May 2011 for a period of five years, expiring on the 30th April 2021.

There was the option to further renew for three successive terms, each for a period of five years.

Rent was set at \$11,950.69 per annum (plus gst) with an increase of 1% on each anniversary of the commencement date.

COMMENTS/OPTIONS/DISCUSSIONS

On 12 March 2014 the Department of Lands approved the transfer of lease of Lease Area 9 from Linkforce Engineering to Mt Newman Microlights.

The Lease Transfer Deed commenced on the 17th March, 2014.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/258

MOVED: Cr Anita Grace

SECONDED: Cr Shane Carter

THAT Council note the Common Seal has been affixed under delegated authority to the Lease Transfer Deed between the Shire of East Pilbara, Linkforce Engineering Pty Ltd and C & S Handley Pty Ltd & L & J McNamara Pty Ltd (t/a Mt Newman Microlights) with respect to Lease Area 9 at Newman Airport, at a lease rate of \$11,950.69 (plus GST) per annum, and subject to an annual increase of 1 % upon the anniversary of the commencement date.

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Mr Leon Burger, Chief Operating Officer Airports.



Government of Western Australia
Department of Lands

Regional and Metro Services

Your ref:
Our ref: 02657-1967-09RO Job No140579
Enquiries: Jan Pruyn Ph. 6552 4585, Fax: 65524413
Email: jan.pruyn@lands.wa.gov.au

Corrs Chambers Westgarth
GPO Box 9925
Perth WA 6001

ATT: Philip Wilson

Dear Philip

**MINISTERS CONSENT FOR DEED FOR TRANSFER OF LEASE OVER PT OF
RESERVE 44775 AND PART OF LOT 571 ON DEPOSITED PLAN 71045 (Lease
Area 9) NEWMAN AIRPORT**

RE: LINKFORCE ENGINEERING PTY LTD TO Mt NEWMAN MICROLIGHTS

I refer to your email dated 11th March 2014 regarding the above.

Pursuant to a delegation by the Hon Minister for Lands under section 9 of the *Land Administration Act 1997* (LAA), **in principle consent** of the Hon Minister is granted under section 18 of the LAA to the abovementioned deed of transfer of lease.

Please submit executed copy of the deed of transfer of lease document for endorsement of formal Ministers consent.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Pruyn', with a long horizontal stroke extending to the right.

**JAN PRUYN
A/SENIOR STATE LAND OFFICER
PILBARA TEAM**

12 March 2014

140579jp01

Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1143 Wes: Perth Western Australia 6872
Telephone (08) 6552 4400 Facsimile (08) 6552 4417 Freecall: 1800 735 784 (Country only)
Email: info@lands.wa.gov.au Website: www.lands.wa.gov.au
ABN: 68 565 723 484

**9.2.9 AFFIXING COMMON SEAL TO THE LICENSE AGREEMENT WITH
QANTAS FOR USE AND OCCUPATION OF ASSIGNED FLOOR SPACE
(FOR TWO SELF CHECK IN KIOSKS) NEWMAN AIRPORT**

File Ref: A400012
Responsible Officer: Mr Rick Miller
Director Technical & Development Services
Author: Ms Dawn Brown
DCEO Directorate Administration 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 License Agreement between the Shire of East Pilbara and Qantas with respect to the use of assigned floor space to be used for two Next Generation Self Check-in Kiosks at the Newman Airport.

BACKGROUND

The Licence Agreement between the Shire of East Pilbara and Qantas is for a period of two years, commencing on the 1st January, 2014 and expiring on the 31st December, 2015. There are two successive options to extend the Licence Agreement, both for further period of two years.

The Licence Agreement is for the assigned floor space of 2m² within the check-in lounge of the RPT Terminal at Newman Airport.

There will be a Licence Fee payable of \$1,193.52 per annum (plus GST), with the first payment to be made on the Commencement Date. The Licence Fee shall increase by 1% on the 1st January each year that the Licence Agreement is in effect.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 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

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

3.3.3 Provide infrastructure to support economic development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/259

MOVED: Cr Anita Grace

SECONDED: Cr Shane Carter

THAT Council note the Common Seal has been affixed under delegated authority to the License Agreement between the Shire of East Pilbara and Qantas with respect to the use of assigned floor space to be used for two Next Generation Self Check-in Kiosks at the Newman Airport.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mr Leon Burger, Chief Operating Officer Airports

**9.2.10 AFFIXING COMMON SEAL TO THE TRU-LINE EXCAVATIONS &
PLUMBING CONTRACT**

File Ref: LEG-13-3-16
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

To advise Council that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Tru-Line Excavations and Plumbing Pty Ltd for the Sewer Main Diversion Works at Lot 1326 Moondoorow Street, Newman.

BACKGROUND

At the Council meeting held on the 31st January, 2014 Council resolved to award Tender 16-2013/2014 to Tru-Line Excavations and Plumbing Pty Ltd for the price of \$95,797.55 ex gst (Resolution 201314/200).

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 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

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/260

MOVED: Cr Anita Grace

SECONDED: Cr Dean Hatwell

THAT Council note the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Tru-Line Excavations and Plumbing Pty Ltd for the Sewer Main Diversion Works at Lot 1326 Moondoorow Street, Newman.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Ms Dawn Brown, Asset & Procurement Administration Officer.

**9.2.11 USE OF NEWMAN HOUSE RESERVE FUNDING FOR PURCHASE OF
AIRCONDITIONERS**

File Ref:	A417550
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:	Newman House Building Management Committee Member- Treasurer

REPORT PURPOSE

To seek support of the Council to use Newman House Reserve funds for the purchase and installation of replacement air-conditioners at Newman House.

BACKGROUND

Newman House currently has air-conditioners installed throughout the building using external units supplying multiple heads. This system creates the problem that when one external unit goes down it causes multiple offices without air conditioning.

The air conditioners that were installed by the builders have never worked satisfactorily and they are constantly been serviced and repaired at significant cost. It is reported that the air-conditioners are at the end of their useful life mostly due to their inability to cope with climate and workloads.

Over the past 12 months the shire has spent approximately \$20,000 on maintenance, parts and servicing.

COMMENTS/OPTIONS/DISCUSSIONS

Currently most units within Newman House have no air-conditioner or the air-conditioner is not working to full capacity. Several letters of complaint have now been received by the Newman House Building Management Committee from tenants.

Research has been undertaken on different brand air-conditioners as to durability in harsh climates, optimal working ambient temperatures, energy efficiency, supply of new units, parts and servicing. Quotes are being sought on this information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Financial management - Part 6

General financial provisions - Division 4

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose,it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*
- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

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

Responsible officer: MCW

Timing: 1-5 years

- 2.4.3 Provide relevant and affordable community services
Responsible officer: MCW
Timing: 1-5 years

FINANCIAL IMPLICATIONS

There are no current resources allocated, funds will need to be utilised from the Newman House Reserve. Currently total reserve money is \$379,733.02. Total funding needed for project between \$130,000 - \$180,000.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/261

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council approve the use of the Newman House Reserve funding for the purchase and installation of air-conditioners at Newman House.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.12 ANNUAL MONETARY SUPPORT FOR NEWMAN HOUSE

File Ref: A417550
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: Newman House Building Management
Committee Member - Treasurer

REPORT PURPOSE

For Council to approve an annual monetary support to Newman House Building Management Committee for the operation on Newman House.

BACKGROUND

Newman House was constructed in the 2009/2010 financial year. A lease was signed with the Newman House Building Management Committee on the 22nd January 2010. This lease expires in 2020 and has a 5 x 5 option. The lease allowed for the following concessions:

- Local Government Annual Rates for three years
- Local Government Sewerage Rates for three years
- Ongoing garden maintenance
- Ongoing building insurance

At the February 2012 Council meeting, after a request from the Newman House Building Management Committee, Council passed the following resolution:

THAT Council consider reducing the building Renewal Expense amount of \$75,000 excluding GST to 75%, which is charged to the Newman Community Centre Building Management Committee, to \$56,250 excluding GST.

In September 2012 Council engaged UHY Haines Norton to undertake a review of Newman House. This report was presented to Council in February 2013 and the following resolution was passed:

THAT Council allow the following concessions be made to the Newman House Building Management Committee to assist in the financial viability of the Centre:

1. *Reduce the building renewal fee to \$50,000 for the 2012/13 and 2013/14 years;*
2. *Take over repairs and maintenance to Newman House for the next two years commencing 1 July 2013;*

3. *Provide assistance to the Building Management Committee with the update of leases.*

COMMENTS/OPTIONS/DISCUSSIONS

A letter was received recently from the Newman House Building Management Committee requesting further reductions in the building renewal fee because of financial difficulties.

It is suggested that with their on-going financial problems and the request for concessions of several different costs that it would be better practice to support the Newman House Building Management Committee with an annual monetary donation of \$50,000. This could be established through a Memorandum of Understanding reviewed and renewed on a three yearly basis. This would alleviate any further request for concessions and make the Newman House Building Management Committee responsible for all costs excluding building insurance.

As a comparison to another Council owned building, Council currently support the Newman Visitors Centre monetarily as follows:

- A \$90,000 annual cash donation
- Payment of building insurance
- Payment of Local Government rates
- Occasional garden maintenance support
- Non-payment of building renewal fee

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

2.4.3 Provide relevant and affordable community services

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/262

MOVED: Cr Dean Hatwell

SECONDED: Cr Doug Stead

THAT Council consider in the budget process the support of an annual monetary donation of \$50,000 to be established through a Memorandum of Understanding reviewed on a three yearly basis.

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 10 - 0

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer

9.2.13 NEWMAN BUSINESS INCUBATOR

File Ref: STR-3-9
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Neil Noelker
Consultant
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to support the development of a business plan (including the feasibility assessments) for a small business incubator in Newman.

BACKGROUND

The Pilbara Development Commission (PDC) authorised a report into the feasibility and business case for a small business incubator in Newman resulting in a Final Report in 2012. This was initiated by the PDC based on the then existing strategies and plans for the Shire of East Pilbara, WA State Government policy and the key strategies associated with *Newman Tomorrow* and the *Pilbara's Cities Vision*. At that time the PDC strongly supported a business incubator for Newman.

However the business incubator proposed in the feasibility study was never adopted by the PDC or Council as there were significant issues around the significant cost of construction, operation and management.

Currently, the Shire of East Pilbara considers there still appears to be a strong need for an incubator in Newman to support small business growth. The role of Council to provide infrastructure is considered an appropriate initiative for Council, especially for such initiatives as a small business incubator. However, it is necessary to review the previous report and utilise the information captured in that report to apply to the review for an incubator based on current needs and regulatory issues. Currently, there is a case for a small business incubator especially since Newman continues to attract new business.

COMMENTS/OPTIONS/DISCUSSIONS

The purpose of an incubator is to provide space in order to allow a fledgling business to develop, improve essential business management skills and build a customer base that will enable them to grow post the incubator time period (nominally in the vicinity of two years). There are a wide range of models that differ significantly in some aspects but each of them make use of the networks, business coaching, mentoring and providing a business front for their business in Newman. The development of an incubator enables those small businesses that have difficulties in finding space to be given an opportunity to develop their business. This in turn relieves the Council of associated issues with businesses operating from their home or other inappropriate locations. It also allows the development of an incubator to meet the criteria

necessary to increasing the chances of success for these businesses by utilising incubator facilities.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

3.3.3 Provide infrastructure to support economic development

3.2.1 Promote a variety of choice in local employment

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

3.1 Business diversification and promotion

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

3.1.2 Build a thriving and diverse economy

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation:
Account number 131267 budget \$110,000.
Balance as at 10 April 2014, \$30,094.30.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/263

MOVED: Cr Shane Carter

SECONDED: Cr Anita Grace

THAT Council support the development of a business plan (including feasibility assessments) for the development of a Business Incubator in Newman.

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer

**9.2.14 APPROVAL OF NEW CAPITAL EXPENDITURE NOT PREVIOUSLY
ALLOWED FOR IN 2013/14 BUDGET**

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

An Interest was declared by Cr Lynne Craigie for Item No. 9.2.14

Nature of Interest: Financial

Extent of Interest: Direct – Seller of Coffee Machine

Cr Lynne Craigie vacated the Chair

11:26 AM Cr Lynne Craigie left Chambers.

Cr Lang Coppin assumed the Chair

REPORT PURPOSE

For Council to approve the following Capital expenditure previously not allowed for in the 2013/14 budget.

BACKGROUND

Owing to changes in priorities the following new capital expenditure is requested to be created in the 2013/14 budget;

- Item 1 Purchase of Coffee Machine for the Newman Administration Office
The Shire of East Pilbara purchased a coffee machine approximately 18 months ago; it was approved in the 2012-13 adopted budget but no invoice was received in the financial year and the amount was not carried forward.
- Item 2 Purchase of fridge for Marble Bar Civic Centre
Funds currently exist in the Capital budget for works to the bar in the Civic Centre. This work is not being undertaken. The request is to transfer this money to a Capital Expense account for the purchase of a fridge for the Civic Centre.
- Item 3 Supply and Installation of CCTV
It is requested that underspend from various Building Maintenance operating accounts be transferred to the Capital Expenditure for the purchase of CCTV equipment.

COMMENTS/OPTIONS/DISCUSSIONS

Seeking approval from Council to transfer the following funds from operation or capital account for the following items;

Item 1 – Coffee Machine

This was in the 2012-13 Budget but the invoice has not been presented to Council until this financial year. No budget was carried forward, therefore we need to transfer \$5,500.00 from the Operational Budget - General Ledger 41185 and create a new Capital Expenditure Account for the Coffee Machine purchase.

Item 2 – Fridge –Marble Bar Civic Centre

Funds currently exist in the Capital budget for works to the bar in the Civic Centre (land and buildings). This work is not being undertaken. The request is to transfer this money to a Capital Expense account for the purchase of a fridge for the Civic Centre (plant and equipment). GL# 119012.

Item 3 – CCTV

It is requested that the underspend from Building Maintenance operating accounts be transferred to the Capital Expenditure account for the purchase of CCTV equipment so work can be continued on the next stage of the CCTV program.

GL	111552	Capricorn Buildings	\$ 5,000.00
GL	111559	JSF Storerooms	\$10,000.00
GL	111555	JSF Change room	\$ 5,000.00
GL	111591	Boomerang Senior Sports	\$25,000.00
GL	111566	Boomerang Grandstand	\$10,000.00

The total amount being \$55,000.00 is requested to be transferred from the operation accounts to a new Capital account for CCTV.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

1.1.2 *Continued strong financial management*

Responsible officer: DCEO

Timing: 1 year

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation with the transfer of underspends being transferred to accommodate the overspend in the capital budget.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/264

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT Council approve the creation of the following new Capital Expenditure accounts to be funded from existing underspends within the budget:

- 1. Purchase of Coffee machine for Newman Administration Office – valued at \$5,500.00**
- 2. Purchase of Fridge for the Marble Bar Civic Centre, valued at \$7,000.00**
- 3. Supply and installation of CCTV within the town of Newman, valued at \$55,000.00**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services.

9.2.15 ADOPTION OF PROPOSED FEES AND CHARGES 2014/15

File Ref: FIN-12-1
Attachments: [Fees and Charges 2014-15 working.xlsx](#)
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

11.33 AM Cr Lynne Craigie returned to the Chambers
Cr Lang Coppin vacated the Chair
Cr Lynne Craigie assumed the Chair

REPORT PURPOSE

To seek Council endorsement of the proposed fees and charges to apply for the budget year 2014/15 as per copy attached.

BACKGROUND

Section 6.16 of the Local Government Act, 1995, enables Council to charge for any service that it provides. The schedule, as tabled, of proposed fees and charges is submitted for in-principle adoption only at this stage and will assist in the preparation of the 2013/14 budget. Formal adoption of next year's fees and charges will be included as part of the budget adoption process.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

To be advised in the 2014/15 budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/265

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

THAT Council;

- 1. Approval in principle to be given to the proposed Schedule of Fees a and Charges;**
- 2. Such fees and charges be included in Council's draft 2014/15 budget.**

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mrs Candice Porro, Senior Finance Officer.

9.2.16 TRANSFER OF OPERATIONAL BUDGET ALLOCATION TO CAPITAL BUDGET

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr John Weeks
Co-ordinator recreational services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to approve the transfer of \$3500 of operation budget at the Newman Recreation Centre to Capital budget, to allow for the purchase of indoor soccer goals for the newly started Futsal competition at the Recreation centre.

BACKGROUND

Due to the demand for indoor sport in Newman, the Recreation Centre has planned and implemented indoor basketball and Futsal as part of the indoor sporting programing. The community demand for futsal has meant that the centre needs to purchase an additional set of goals to allow for the weekly competition to be played in both Gym 1 and Gym 2. Currently the centre has a set of indoor goals on loan till the end of April from the local soccer club which need to be returned.

It is anticipated that this competition will expand to involve even more teams in years to come thus justifying the second set of goals being purchased.

COMMENTS/OPTIONS/DISCUSSIONS

If the Recreation Centre is not able to purchase additional Futsal goals, then we would have to look at reducing the number of teams participating in the current Futsal competition as we can only use one indoor sports court to program competition matches after April.

STATUTORY IMPLICATIONS/REQUIREMENTS

6.8 Expenditure from the 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 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Item Adult Programs (11762) to transfer funds to Newman Recreation Centre equipment upgrade of this agenda if approved will alter the following figures.

Account number (11762) budget \$10,000 will decrease by \$3500.

Account number (119612) budget will increase by \$3500 to allow for purchase of Futsal goals including delivery.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/266

MOVED: Cr Dean Hatwell

SECONDED: Cr Craig Hoyer

THAT Council approve expenditure transfer of Operational budget (\$3500) to Capital budget to allow for the purchase of Futsal goals for the Recreation Centre indoor sports competitions.

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 10 - 0

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.17 PURCHASING AND TENDER PROCEDURES POLICY UPDATE

File Ref: FIN-10-12
Attachments: [Purchasing and Tender Procedures Tracking.docx](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Lisa Davis
Coordinator Financial Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedure Policy to reflect the current situation.

BACKGROUND

The Purchasing and Tender Procedure Policy must be updated regularly to reflect current changes and trends within the organisational structure and technology updates which has been reflected in this document.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information. The attached document tracks changes to the original policy.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Minute No:	Date
	27 th June 2003
9.1.6	5 th May 2006
9.3.5	27 th April 2007
9.4.1	24 th July 2009
9.1.6	29 th January 2010
9.2.5	11 March 2011
9.1.8	3 February 2012
9.2.4	25 May 2012
9.2.7	28 July 2012
9.2.6	28 June 2013
9.2.7	27 September 2013
9.2.9	6 December 2013

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

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

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

Purchase orders must be made out and signed by authorised persons for all goods and services ordered for the Shire at the time that the order is placed.

Orders should never be raised retrospectively.

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

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

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

- Managers
- Coordinator Property Services

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

- Coordinators
- Works Supervisor (Newman and Marble Bar)

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

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

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

Light Vehicle Purchases

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

Consultants Services

Services separately identified in the adopted budget to be at officer's discretion up to \$20,000.

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

The reserve sale price is to be determined by the Manager Technical Services – Rural in conjunction with the Chief Executive Officer and/or the Director Technical and Development Services.

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

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

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

1.2 Regulatory Compliance

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

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

PLAN FOR THE FUTURE OF THE DISTRICT

Goal 1 – Community Viability

Financial Stability

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/267

MOVED: Cr Anita Grace

SECONDED: Cr Biddy Schill

THAT Council adopt changes to the Purchasing and Tender Procedure Policy as presented:

10.12 PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6

Date: 27th June 2003

5th May 2006

9.3.5 27th April 2007

9.4.1 24th July 2009

9.1.6 29th January 2010

9.2.5 11 March 2011

9.1.8 3 February 2012

9.2.4 25 May 2012

9.2.7 28 July 2012

9.2.6 28 June 2013

9.2.7 27 September 2013

9.2.9 6 December 2013

9.2.17 24 April 2014

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

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 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy

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

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

Purchase orders must be made out and signed by authorised persons for all goods and services ordered for the Shire at the time that the order is placed.

Orders should never be raised retrospectively.

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

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

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

- Managers
- Coordinator Property Services

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

- Coordinators
- Works Supervisor (Newman and Marble Bar)

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$2,000.

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

Light Vehicle Purchases

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

Consultants Services

Services separately identified in the adopted budget to be at officer's discretion up to \$20,000.

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

The reserve sale price is to be determined by the Manager Technical Services – Rural in conjunction with the Chief Executive Officer and/or the Director Technical and Development Services.

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

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

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

1.2 Regulatory Compliance

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

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.
- The Purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc. GST.

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

To be actioned by Ms Lisa Davis, Coordinator Financial Services.

9.2.18 NEW POLICY - RISK MANAGEMENT

Attachments: [SOEP Risk Management Policy 2014 doc](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
Asset and Procurement Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's endorsement of the Shire's new Risk Management Policy.

BACKGROUND

The objective of this policy is to ensure that sound Risk Management practices and procedures are fully integrated into Council's strategic and operational planning processes and provide direction on how Council is to manage risk.

COMMENTS/OPTIONS/DISCUSSIONS

This policy is supported by the Shire of East Pilbara Risk Management Strategy which uses Standard ISO31000:2009 Risk Management – Principles and Guidelines.

This policy shall be supported by other documents including procedures and processes including the Risk Management Strategy.

The policy is as detailed below:



Shire of **EAST**
Pilbara
AUSTRALIA'S LARGEST SHIRE

4.12 Risk Management Policy

Minute No:

Date:

Objective

To ensure that sound Risk Management practices and procedures are fully integrated in the Council's strategic and operational planning processes and provide direction on how Council is to manage risk. This Policy is supported by the Shire of East Pilbara Risk Management Strategy which using Standard ISO31000:2009 Risk Management – Principles and Guidelines.

Policy

This policy outlines the Shire's commitment to:

- Safeguarding the Shire's assets, people and property;
- Encouraging the identification and reporting of potential risks;
- Creating a workplace culture where all staff will assume responsibility for managing risk in their day to day activities;
- Implementing processes to reduce risk and eliminate high risk activities;
- Deploying resources and operational capabilities in an efficient and responsible manner;
- Allowing for more effective delivery of local government programs; and
- Protecting Council's corporate image as a professional, responsible and ethical organisation.

Scope

This policy covers all operations of the Shires, including corporate governance, legal compliance, infrastructure, business, capital assets, finance, information technology, human resources, service delivery and events management.

Roles and Responsibilities

- a) Councillors and Committee Members have a responsibility to:
 - ensure that a Risk Management Policy and Strategy have been developed, adopted and communicated throughout the Shire
- b) Senior Management are responsible for:
 - identifying and assessing all the potential risks in their area of responsibility;
 - risk management planning;
 - communicating the Risk Management Policy and Strategy to employees and contractors;
 - Establishing and maintaining a central risk register
- c) Employees are responsible for:
 - Complying with the Shire's Risk Management Policy and the Risk Management Strategy;
 - Actively participating in the development of a risk management culture.

This policy shall be supported by other documents including procedures and processes including the Risk Management Strategy.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/268

MOVED: Cr Doug Stead

SECONDED: Cr Shane Carter

THAT Council endorse the new Policy – Risk Management Policy.

4.12 Risk Management Policy

Minute No: 9.2.18

Date: 24 April 2014

Objective

To ensure that sound Risk Management practices and procedures are fully integrated into the Council's strategic and operational planning processes and provide direction on how Council is to manage risk. This Policy is supported by the Shire of East Pilbara Risk Management Strategy which was developed using International Organisation for Standardisation (ISO) Standard 31000:2009 Risk Management – Principles and Guidelines.

Policy

This policy outlines the Shire's commitment to:

- Safeguarding the Shire's assets, people and property;
- Encouraging the identification and reporting of potential risks;
- Creating a workplace culture where all staff will assume responsibility for managing risk in their day to day activities;
- Implementing processes to reduce risk and eliminate high risk activities;
- Deploying resources and operational capabilities in an efficient and responsible manner;
- Allowing for more effective delivery of local government programs; and
- Protecting Council's corporate image as a professional, responsible and ethical organisation.

Scope

This policy covers all operations of the Shire, including corporate governance, legal compliance, infrastructure, business, capital assets, finance, information technology, human resources, service delivery and events management.

Roles and Responsibilities

- a) Councillors and Committee Members have a responsibility to:
 - ensure that a Risk Management Policy and Strategy has been developed, adopted and communicated throughout the Shire
 - b) Senior Management is responsible for:
 - identifying and assessing all the potential risks in their area of responsibility;
 - risk management planning;
 - communicating the Risk Management Policy and Strategy to employees and contractors;
 - Establishing and maintaining a central risk register
 - c) Employees are responsible for:
 - Complying with the Council Risk Management Policy and Shire of East Pilbara Risk Management Strategy;
 - Actively participating in the development of a risk management culture.
-

This policy shall be supported by other documents including procedures and processes including the Risk Management Strategy.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.19 NEW POLICY - CORPORATE CREDIT CARD

Attachments: [Corporate Credit Card Policy](#)
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

To seek Council's endorsement of the new Shire Policy – Corporate Credit Card Policy.

BACKGROUND

The purpose of this policy is to establish rules for the use of the Corporate Credit Cards and the responsibility of cardholders using the Shire's Corporate Credit Cards.

This policy ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

COMMENTS/OPTIONS/DISCUSSIONS

The policy is as detailed on the following pages:



3.10 Corporate Credit Card Policy

Minute No:

Date:

Objective

The purpose of this policy is to establish rules for the use of Corporate Credit Cards and the responsibilities of cardholders using the Shire's Corporate Credit Cards.

The policy ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Policy

1. Authority for use of Corporate Credit Cards

Shire of East Pilbara Corporate Credit Cards may be issued to the Chief Executive Officer and authorised officers where it is inappropriate or inconvenient to use the Shire's normal payment systems.

2. Authority for approval of Corporate Credit Cards

The Council must approve the issue of a credit card to the Chief Executive Officer and any change to the credit card limit. The Chief Executive Officer may approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issued to council officers.

3. Legislation

The Local Government Act 1995 ('the Act'), does not specifically mention the use of Corporate Credit Cards by officers in local government. However, section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with the regulations. In addition, regulation 11(1)(a) of the Local Government (Financial Management) Regulations 1996 requires a local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

4. Approved bankers

Corporate Credit Cards are normally issued by Banks and Financial Institutions on behalf of, or through credit card providers, such as Visa, Mastercard, Diners or American Express.

The Shire of East Pilbara's Corporate Credit Cards are to be issued by its transactional banker.

5. Purchases and use of Corporate Credit Cards



The Shire's Corporate Credit Cards shall only be used for purchase of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made by facsimile, over the telephone or on the internet, an invoice should be requested to support the purchase. Most internet transactions provide this ability and any telephone or facsimile communications provide the opportunity to make such a request. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. E.g. date, company, address, ABN, amount, any GST included.

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of East Pilbara employees in that number. This is required to ensure the Shire pays the correct amount of Fringe Benefits Tax.

6. Accounts and settlement

The provider of the credit card will supply the Shire's Finance Services team with a statement of account each month. This statement will be forwarded to the cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. Cardholders are to certify that the account details are correct but must have their supervisors approve the expenses by signing the statement before it is returned to Finance Services for payment. In the case of the Chief Executive Officer, the statement must be signed by the Shire President. A credit card transaction slip is not acceptable to support the claim. A tax invoice should provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

The account will be paid by the Finance Services team on receipt of the cardholder's certification, which must be provided within 7 days of receipt and prior to the end of the credit cards settlement period.

7. Card lost or stolen

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Deputy Chief Executive Officer so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

8. Misuse of Corporate Credit Cards

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.



9. Recovery of unauthorised expenditure

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary and may result in disciplinary action being taken.

10. Internal audit of the Corporate Credit Card system

From time to time, the Finance Services team may conduct an audit on the control, use, viability and adherence to this policy, and may provide a report to the Audit Committee.

11. Reward/bonus points

Where Corporate Credit Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points can be accumulated in the name of the responsible officer.

12. Return of cards

When the Chief Executive Officer or other officer ceases to occupy a position that is authorised to be issued with a Corporate Credit Card (either through internal transfer, retirement, resignation or conclusion of service contract), they must return the card to the Deputy Chief Executive Officer, at least one week prior to vacating the position so that the card may be cancelled and the account settled.

13. Finance services team responsibilities

The Deputy Chief Executive Officer is responsible for arranging the issue of the Corporate Credit Card on advice from the CEO.

The Finance Services team responsibilities in relation to the Shire's Corporate Credit Cards include:

- Maintaining a Corporate Credit Card Register of all cardholders;
- Arrange the issue/cancellation of the Corporate Credit Cards;
- Arrange for all cardholders to sign the Corporate Credit Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Corporate Credit Card Register;
- Process payment of credit card expenditure on receipt of the card statement from the bank and after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment; and
- To keep cardholders informed of any changes to this Policy.

14. Cardholders responsibilities

Officers who are issued with Corporate Credit Cards must:

- Ensure the care and safe keeping of the credit card;



- Adhere to this Policy in relation to the use of the credit card and its financial limits;
- Ensure receipts and tax invoices are received when the credit card is used, and to produce them as evidence for settlement with the bank;
- Ensure the monthly credit card statement is certified correct and approved for payment when received from the Finance Services team, and to return the statement to the Finance Services team with the receipts and tax invoices attached and within seven (7) days of receipt;
- Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the credit card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office; and
- To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.
- Purchasing levels are within Council's Purchasing and Tender Policy and legislative requirements.
- Adhere to the procedures as set out in the Finance Induction Manual.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/269

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council endorse the new Shire Policy – Corporate Credit Card Policy.

3.10 Corporate Credit Card Policy

Minute No: 9.2.19

Date: 24 April 2014

Objective

The purpose of this policy is to establish rules for the use of Corporate Credit Cards and the responsibilities of cardholders using the Shire's Corporate Credit Cards.

The policy ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Policy

1. Authority for use of Corporate Credit Cards

Shire of East Pilbara Corporate Credit Cards may be issued to the Chief Executive Officer and authorised officers where it is inappropriate or inconvenient to use the Shire's normal payment systems.

2. Authority for approval of Corporate Credit Cards

The Council must approve the issue of a credit card to the Chief Executive Officer and any change to the credit card limit. The Chief Executive Officer may approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issued to council officers.

3. Legislation

The Local Government Act 1995 ('the Act'), does not specifically mention the use of Corporate Credit Cards by officers in local government. However, section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with the regulations. In addition, regulation 11(1)(a) of the Local Government (Financial Management) Regulations 1996 requires a local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

4. Approved bankers

Corporate Credit Cards are normally issued by Banks and Financial Institutions on behalf of, or through credit card providers, such as Visa, Mastercard, Diners or American Express.

The Shire of East Pilbara's Corporate Credit Cards are to be issued by its transactional banker.

5. Purchases and use of Corporate Credit Cards

The Shire's Corporate Credit Cards shall only be used for purchase of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made by facsimile, over the telephone or on the internet, an invoice should be requested to support the purchase. Most internet transactions provide this ability and any telephone or facsimile communications provide the opportunity to make such a request. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. E.g. date, company, address, ABN, amount, any GST included.

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of East Pilbara employees in that number. This is require to ensure the Shire pays the correct amount of Fringe Benefits Tax.

6. Accounts and settlement

The provider of the credit card will supply the Shire's Finance Services team with a statement of account each month. This statement will be forwarded to the cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. Cardholders are to certify that the account details are correct but must have their supervisors approve the expenses by signing the statement before it is returned to Finance Services for payment. In the case of the Chief Executive Officer, the statement must be signed by the Shire President. A credit card transaction slip is not acceptable to support the claim. A tax invoice should provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

The account will be paid by the Finance Services team on receipt of the cardholder's certification, which must be provided within 7 days of receipt and prior to the end of the credit cards settlement period.

7. Card lost or stolen

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Deputy Chief Executive Officer so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

8. Misuse of Corporate Credit Cards

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.

9. Recovery of unauthorised expenditure

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary and may result in disciplinary action being taken.

10. Internal audit of the Corporate Credit Card system

From time to time, the Finance Services team may conduct an audit on the control, use, viability and adherence to this policy, and may provide a report to the Audit Committee.

11. Reward/bonus points

Where Corporate Credit Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points can be accumulated in the name of the responsible officer.

12. Return of cards

When the Chief Executive Officer or other officer ceases to occupy a position that is authorised to be issued with a Corporate Credit Card (either through internal transfer, retirement, resignation or conclusion of service contract), they must return the card to the Deputy Chief Executive Officer, at least one week prior to vacating the position so that the card may be cancelled and the account settled.

13. Finance services team responsibilities

The Deputy Chief Executive Officer is responsible for arranging the issue of the Corporate Credit Card on advice from the CEO.

The Finance Services team responsibilities in relation to the Shire's Corporate Credit Cards include:

- Maintaining a Corporate Credit Card Register of all cardholders;
- Arrange the issue/cancellation of the Corporate Credit Cards;
- Arrange for all cardholders to sign the Corporate Credit Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Corporate Credit Card Register;
- Process payment of credit card expenditure on receipt of the card statement from the bank and after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment; and
- To keep cardholders informed of any changes to this Policy.

14. Cardholders responsibilities

Officers who are issued with Corporate Credit Cards must:

- Ensure the care and safe keeping of the credit card;

- Adhere to this Policy in relation to the use of the credit card and its financial limits;
- Ensure receipts and tax invoices are received when the credit card is used, and to produce them as evidence for settlement with the bank;
- Ensure the monthly credit card statement is certified correct and approved for payment when received from the Finance Services team, and to return the statement to the Finance Services team with the receipts and tax invoices attached and within seven (7) days of receipt;
- Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the credit card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office; and
- To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.
- Purchasing levels are within Council's Purchasing and Tender Policy and legislative requirements.
- Adhere to the procedures as set out in the Finance Induction Manual.

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.20 NEW POLICY AND PROCEDURES - LEGISLATIVE COMPLIANCE

Attachments: [Legislative Compliance Policy](#)
[Legislative Compliance Procedures](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Dawn Brown
Asset and Procurement Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's endorsement of the Shire's new Legislative Compliance Policy and Legislative Compliance Procedures.

BACKGROUND

The objective of both the new Policy and Procedure is to ensure Council complies with legislative requirements.

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.

COMMENTS/OPTIONS/DISCUSSIONS

The wording of both the Policy and the Procedure are documented on the following pages.



4.11 Legislative Compliance

Minute No:

Date:

Objective

To ensure Council complies with legislative requirements.

Policy

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.

These processes and structures will aim to:-

- a) Develop and maintain a system for identifying the legislation that applies to Council's activities.
- b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
- c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- d) Provide people with the resources to identify and remain up-to-date with new legislation.
- e) Conduct of audits to ensure there is compliance.
- f) Establish a mechanism for reporting non-compliance.
- g) Review accidents, incidents and other situations where there may have been noncompliance.
- h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

Roles And Responsibilities

- a) Councillors and Committee Members
Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.
- b) Senior Management
Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.
- c) Employees
Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.



Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

Implementation of Legislation

Council will have a system in place (legislative compliance procedures) to ensure that when legislation changes steps are taken to ensure that actions complies with the amended legislation. A Legislative Compliance Procedure and is available in the CEO's Procedures Manual.

This policy shall be supported by other documents including procedures and processes including a Legislative Compliance Procedure available in the CEO's Procedures Manual.



OM1.2.?? – Legislative Compliance Procedures	Date: 1 January 2014
Relevant Delegation / Policy Manual Reference:	Policy Item: 4.11
Relevant Legislation Reference:	LG Act 1995 LG (Audit) Regulations

Purpose

The purpose of this Legislative Compliance Procedure is for the Shire of East Pilbara to ensure it complies with legislative requirements.

1. Identifying Current Legislation

- a) Electronic versions of legislation - The Shire of East Pilbara accesses electronic up to date versions of legislation through the legislation website at www.slp.wa.gov.au.

The State Law Publisher website is the official WA Government site for the online publication of legislation.

Direct access to this site is provided from Council's intranet set up by the Coordinator Information Services. The intranet is available for all staff.

- b) The Shire of East Pilbara currently subscribes to and maintain one (1) hard copy version of any legislation that effects the **day-to-day** operation of the Council.
- c) Australian Standards – The Shire of East Pilbara is a subscribing member to Standards Australia and maintains a library of Australian Standards related to Council's activities in the Document Centre. Council receives alert updates to amendments of the Standards it has purchased.

2. Identifying New or Amended Legislation

- a) WA Government Gazette

Council provides website access for its staff to the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia. A designated staff member within Council's DCEO Directorate scans each Government Gazette (published each Friday) for any new or amended legislation applicable to Council. Copies of such new or amended legislation are distributed to the applicable officers within Council by email.

- b) Department of Local Government

Council receives regular circulars from the Department of Local Government on any new or amended legislation. Such advices are received through Council's



DCEO Directorate and are distributed by the DCEO Administrative staff to the relevant Council officers for implementation.

3. Obtaining advice on Legislative Provisions

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the relevant Legal Officer in either of the following for advice:-

- WALGA
- Department of Local Government
- WALGA's Preferred Supplier Panel of Solicitors

4. Informing Council of Legislative Change

If necessary the Chief Executive Officer or his delegated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation. Council's format for all its reports to Council meetings provides that all reports shall have a section headed "policy or statutory implications" which shall detail the current Council policy and sections of any Act, Regulation or other legislation that is relevant to the report before the Council.

5. Review of incidents and complaints for Non-compliance

The CEO shall review all incidents and complaints in accordance with the Shire of East Pilbara's incident reporting and complaint handling procedures. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

6. Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director.

The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the Department of Local Government. The CEO will also take the necessary steps to improve compliance systems.

7. Audit on Legislative Compliance

The Shire of East Pilbara shall incorporate a review of its processes to ensure legislative compliance is included into its internal audit function. This internal audit function is currently the responsibility of the Deputy Chief Executive Officer.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/270

MOVED: Cr Anita Grace

SECONDED: Cr Doug Stead

THAT Council

- 1. Endorse the new Legislative Compliance Policy; and**
- 2. Endorse the new Legislative Compliance Procedures.**

4.11 Legislative Compliance

Minute No: 9.2.20

Date: 24 April 2014

Objective

To ensure Council complies with legislative requirements.

Policy

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.

These processes and structures will aim to:-

- a) Develop and maintain a system for identifying the legislation that applies to Council's activities.
- b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
- c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- d) Provide people with the resources to identify and remain up-to-date with new legislation.
- e) Conduct of audits to ensure there is compliance.
- f) Establish a mechanism for reporting non-compliance.
- g) Review accidents, incidents and other situations where there may have been noncompliance.
- h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

Roles And Responsibilities

- a) Councillors and Committee Members
Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.
- b) Senior Management
Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.
- c) Employees
Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

Implementation of Legislation

Council will have a system in place (legislative compliance procedures) to ensure that when legislation changes steps are taken to ensure that actions complies with the amended legislation. A Legislative Compliance Procedure and is available in the CEO's Procedures Manual.

This policy shall be supported by other documents including procedures and processes including a Legislative Compliance Procedure available in the CEO's Procedures Manual.

OM1.2?? – Legislative Compliance Procedures	Date: 1 January 2014
Relevant Delegation / Policy Manual Reference:	Policy Item: 4.11
Relevant Legislation Reference:	LG Act 1995 LG (Audit) Regulations

Purpose

The purpose of this Legislative Compliance Procedure is for the Shire of East Pilbara to ensure it complies with legislative requirements.

1. Identifying Current Legislation

- a) Electronic versions of legislation - The Shire of East Pilbara accesses electronic up to date versions of legislation through the legislation website at www.slp.wa.gov.au .

The State Law Publisher website is the official WA Government site for the online publication of legislation.

Direct access to this site is provided from Council's intranet set up by the Coordinator Information Services. The intranet is available for all staff.

- b) The Shire of East Pilbara currently subscribes to and maintain one (1) hard copy version of any legislation that effects the **day-to-day** operation of the Council.
- c) Australian Standards – The Shire of East Pilbara is a subscribing member to Standards Australia and maintains a library of Australian Standards related to Council's activities in the Document Centre. Council receives alert updates to amendments of the Standards it has purchased.

2. Identifying New or Amended Legislation

- a) WA Government Gazette

Council provides website access for its staff to the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia. A designated staff member within Council's DCEO Directorate scans each Government Gazette (published each Friday) for any new or amended legislation applicable to Council. Copies of such new or amended legislation are distributed to the applicable officers within Council by email.

- b) Department of Local Government

Council receives regular circulars from the Department of Local Government on any new or amended legislation. Such advices are received through Council's DCEO Directorate and are distributed by the DCEO Administrative staff to the relevant Council officers for implementation.

3. Obtaining advice on Legislative Provisions

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the relevant Legal Officer in either of the following for advice:-

- WALGA
- Department of Local Government
- WALGA's Preferred Supplier Panel of Solicitors

4. Informing Council of Legislative Change

If necessary the Chief Executive Officer or his delegated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation. Council's format for all its reports to Council meetings provides that all reports shall have a section headed "policy or statutory implications" which shall detail the current Council policy and sections of any Act, Regulation or other legislation that is relevant to the report before the Council.

5. Review of incidents and complaints for Non-compliance

The CEO shall review all incidents and complaints in accordance with the Shire of East Pilbara's incident reporting and complaint handling procedures. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

6. Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director.

The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the Department of Local Government. The CEO will also take the necessary steps to improve compliance systems.

7. Audit on Legislative Compliance

The Shire of East Pilbara shall incorporate a review of its processes to ensure legislative compliance is included into its internal audit function. This internal audit function is currently the responsibility of the Deputy Chief Executive Officer.

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.21 MONTHLY FINANCIAL STATEMENTS – MARCH 2014

File Ref: FIN -23-5

Attachments: [March 2014 Variance Report.doc](#)
[March Financial Statements.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Lisa Davis
Coordinator Financial Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:39 AM Cr Doug Stead left Chambers.
11:39 AM Cr Lang Coppin left Chambers.

REPORT PURPOSE

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

BACKGROUND

The attached 12-page report details the financial activities of the Council for the period March 2014 of the 2013/2014 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. Graphs showing budget v actual and Income & Expenditure by Nature & Type
4. A schedule detailing all expenditure for the year to date for individual capital items.
5. 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/COUNCIL RESOLUTION: 201314/271

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

That the monthly financial statements for the period March of the 2013/2014 financial year as presented be received.

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Ms Lisa Davis, Coordinator Financial Services.

9.2.22 CREDITORS FOR PAYMENT

File Ref: FIN-10-2

Attachments: [Schedule of Accounts EFT.pdf](#)
[Schedule of Accounts Cheque.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:40 AM Cr Lang Coppin returned to the Chambers
11:41 AM Cr Doug Stead returned to the Chambers

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors between 20/02/14 – 02/04/14.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT22936-EFT23390	3,955,955.05
	Total	\$3,955,955.05
Cheque Payments	22669-22777	331,022.26
Written Cheque Payments	138-144	48,774.18
	Total	\$379,796.44
	GRAND TOTAL	<u>\$4,335,751.49</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

CANCELLED CHEQUES & EFTS
EFT23136 & 22703

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 \$4,335,751.49

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/272

MOVED: Cr Shane Carter

SECONDED: Cr Biddy Schill

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT22936-EFT23390	3,955,955.05
	Total	\$3,955,955.05

Cheque Payments	22669-22777	331,022.26
Written Cheque Payments	138-144	48,774.18
	Total	\$379,796.44

GRAND TOTAL	<u>\$4,335,751.49</u>
--------------------	------------------------------

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mrs Candice Porro, Senior Finance Officer.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISIONS - MARCH 2014**

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
11:47 AM Cr Gerry Parsons left Chambers.

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/273

MOVED: Cr Dean Hatwell

SECONDED: Cr Anita Grace

THAT the "Status of Council Decisions" – Director Technical and Development Services for March 2014 be received.

**CARRIED
RECORD OF VOTE: 9 - 0**

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

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

24 APRIL, 2014

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Officers to allocate resources to develop themes and seek funding	Pending
26 July 2013	13.1	SOLAR LIGHTS WALKWAY FROM MINESITE TO TOURIST CENTRE Cr Shane Carter asked if it was possible to get solar lights for the walk/cycle path from Minesite entrance to Newman Tourist Centre. Mr Allen Cooper replied Council will need to seek funding as the solar lights around radio hill cycle/walkway were funded through the Country Local Government Fund.	DTDS	Expect to arrive end of April	In Progress
26 July 2013	13.2	CAPE KERAUDREN – WATER BORE Cr Lang Coppin asked if it was possible to access the bore on Pardoo Station and if the Shire can access and seek a licence from the State Government to use this bore. Cr Allen Cooper, Chief Executive Officer to follow up.	DTDS CBS	Tender to be advertised by end of May	In Progress
23 August 2013	13.3	WOODIE WOODIE AREA Cr Kevin Danks has asked if it was possible to have the correct names on the signs. Cr Kevin Danks will give the correct names. Director Technical and Development Services to follow up.	MTS-R	List of names received Oliver to access and action.	In Progress
23 August 2013	13.6	STREET NUMBERING MARBLE BAR Cr Stephen Kiernan asked what was happening in regards to the street numbering in Marble Bar.	DTDS	Plates to be purchase by Shire and on sold with a 50% subsidy to residents in Marble Bar / Nullagine. Campaign to be developed to	In Progress

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

24 APRIL, 2014

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Cr Dean Hatwell suggested reflective sticker numbers would suit and be held at the Marble Bar Office.		maximise usage.	
31 January 2014	13.8	<p>LIGHTS AT SHOPPING CENTRE Cr Anita Grace asked if the lights in the carpark at the Shopping Centre can be repaired.</p> <p>Mr Rick Miller, Director Technical and Development Services will follow up.</p>	DTDS	Works request raised to repair 44 lights not working – Contractor engaged to fix	In Progress
31 January 2014	13.10	<p>DANIELS DRIVE Cr Lynne Craigie asked about the street lighting in Daniels Drive as lot of lights are not working.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>	DTDS	Lights working appear dimmer due to new bright lights in new section of Daniels Drive	Completed
14 March 2014	13.2	<p>SOLAR LIGHTING NULLAGINE AIRSTRIP Cr Biddy Schill said the lights at the waiting area at the Nullagine Airstrip are still not working and is very difficult when health practitioner's take patients out to meet the Flying Doctors Services.</p> <p>Director Technical and Development Services to follow up.</p>	COOA	Lighting was installed but was stolen, new reinforced lighting has now been installed	Completed
14 March 2014	13.3	<p>FIRE BREAK QUERY Cr Biddy Schill had been asked by a resident regarding a fire break along the river on the Skull Springs Road side.</p> <p>Director Technical and Development Services to follow up.</p>	DTDS	A works request has been raised	In Progress

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

24 APRIL, 2014

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
14 March 2014	13.5	<p>ATLAS HAULAGE ROADTRAINS Cr Stephen Kiernan said Atlas road trains are using the Hillside Road to which many tourists use this road and not realising there are these types of trucks using the road, if it is possible to get signs to warn vehicles of the trucks.</p> <p>Director Technical and Development Services to follow up.</p>	MTS-R	Heavy traffic movements are only temporary until road construction & sealing works are complete. Road train advisory signs haven ordered and will be installed when received.	Completed
14 March 2014	13.6	<p>BANNER POLES – MARBLE BAR Cr Stephen Kiernan asked when the banners are going to be put up.</p> <p>Director Technical and Development Services to follow up.</p>	DTDS	Locations established waiting MRWA approve Nullagine Work order raised	May 2014
14 March 2014	13.7	<p>NEWMAN SHOPPING CENTRE Cr Doug Stead said the wall next to the Bank West is cracked and broken and could be dangerous.</p> <p>Director Technical and Development Services to follow up.</p>	MDS-B	Will inspect and assess who's jurisdiction.	In Progress
14 March 2014	13.8	<p>MARBLE BAR RUBBISH BINS AND SEATING Cr Dean Hatwell said the Shire has been replacing bins and seating around Marble Bar but the staff have missed a few which require replacing as there are rubbish bins and seats sitting at the Marble Bar Shire Depot.</p> <p>Director Technical and Development Services to follow up.</p>	MTS-R	Nil. These seats and bins at the depot are spares. If Councillors identify a location they should submit to office for assessment	Completed

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

24 APRIL, 2014

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
14 March 2014	13.9	SIGNS AT THE MARBLE BAR SPORTS COMPLEX Cr Dean Hatwell has asked if they could get new signs at the Sports Complex. Manager Technical Services – Rural to follow up.	MTS-R	Sign to be made up and installed Marble Bar Sports Complex	In Progress
14 March 2014	13.11	ROGERS WAY NEXT TO AQUATIC CENTRE Cr Anita Grace asked if it was possible to have speed signs erected as there is a lot of traffic speeding and fears someone is going to be hit coming out from the Aquatic Centre. Director Technical and Development Services to follow up.	MTS-N	Work Order to be raised for action	May 2014

**9.3.2 AUTHORITY TO AFFIX COMMON SEAL AND SIGN A DEED OF
UNDERTAKING - NEWMAN SHOPPING CENTRE CARETAKER'S
DWELLING**

File Ref: A409741
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Lot 19 Rogers Way, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider granting authority to the Shire President and Chief Executive Officer (CEO) to affix the Shire common seal and sign a deed of undertaking.

BACKGROUND

Planning approval was issued in October 2012 for the development of a Caretaker's Dwelling at the Newman Boulevard Shopping Centre subject to a condition requiring the owner entering into a deed of agreement with the Shire for the purposes of access, indemnity from damages and a monetary contribution towards the upkeep of the Council car parking Reserve. The agreement was required because the location of the caretaker's dwelling does not have direct road frontage, rather, it adjoins the Council Reserve.

Further and additional to the above requirements, the agreement entered into allowed the Shire to lodge an absolute caveat on the subject property. The caveat charges the owner's interest and future owners interest in the land in favour of the Shire for the extent of the agreement to ensure the agreement is upheld and complied with at all times. Due to the land being under a mortgage, it is necessary for a Deed of Undertaking to be entered into between the mortgagee and the Shire to enable the lodgement of the caveat. The Deed of Undertaking has since been produced and signed by the mortgagee enabling the Shire to proceed to signing and sealing such and completing the lodgement of the Caveat.

COMMENTS/OPTIONS/DISCUSSIONS

As provided for above, the Deed of Undertaking allows the Shire to proceed with the final implementation of the agreement with the owner of the Shopping Centre and therefore the lodgement of the caveat.

It is therefore respectfully requested that Council authorise the Shire President and CEO to sign and affix the common seal to the Deed of Undertaking.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

STRATEGIC COMMUNITY PLAN

Not applicable.

FINANCIAL IMPLICATIONS

No financial resource impact. As part of the conditions of the approval, the owner of the premises is responsible to pay all costs associated with the Shire's solicitors.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/274

MOVED: Cr Anita Grace

SECONDED: Cr Craig Hoyer

THAT Council authorises the Shire President and Chief Executive Officer to execute the Deed of Undertaking between the Commonwealth Bank of Australia trading as Bankwest and the Shire of East Pilbara as required by the Agreement already entered into and duly executed between the Shire and owner of the Newman Boulevard Shopping Centre by signing and affixing the Shire common seal to such Deed of Undertaking.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mr Adam Majid, Manager Development Services – Planning.

**9.3.3 PROPOSED AMALGAMATION OF RESERVES 33851 AND 36566
NULLAGINE**

File Ref: A300206
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Nullagine
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the proposed amalgamation of Reserves 33851 and 36566 in order to fully effect the proposed closure of Doherty Street.

BACKGROUND

Council considered the formal closure of Doherty Street at its meeting held on 23 August 2013 whereby it was resolved as follows:

THAT Council:

- 1. Resolves to request the Minister for Lands to formally close Doherty Street, Nullagine as indicated on the attached plan in accordance with Section 58 of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998; and*
- 2. Requests the land currently occupied by Doherty Street be amalgamated into Lot 206 being Crown Reserve 33851 for the purposes of Recreation.*

In accordance with the above, the required documentation was forwarded to the Department of Lands for their consideration. As a result, the Department of Lands has advised that if the Doherty Street road reserve was closed and amalgamated into Reserve 33851 it would result in Reserve 36566 being without a formal street frontage.

The Department of Lands has now asked that Council consider amalgamating the subject Reserves to resolve the issue of road frontage.

COMMENTS/OPTIONS/DISCUSSIONS

The initial purpose of having Doherty Street closed is to provide for the formalisation of the Irrungadji Oval including the grassing and reticulation of the same. Both subject Reserves are vested with Council for the purpose of Recreation therefore no change in purpose is required.

As there are no formal plans to develop Reserve 36566 it is considered acceptable to amalgamate such with Reserve 33851 creating a single Reserve for Recreation and

to enable the progression of closing Doherty Street for the benefit of the Irrungadji Oval project.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/275

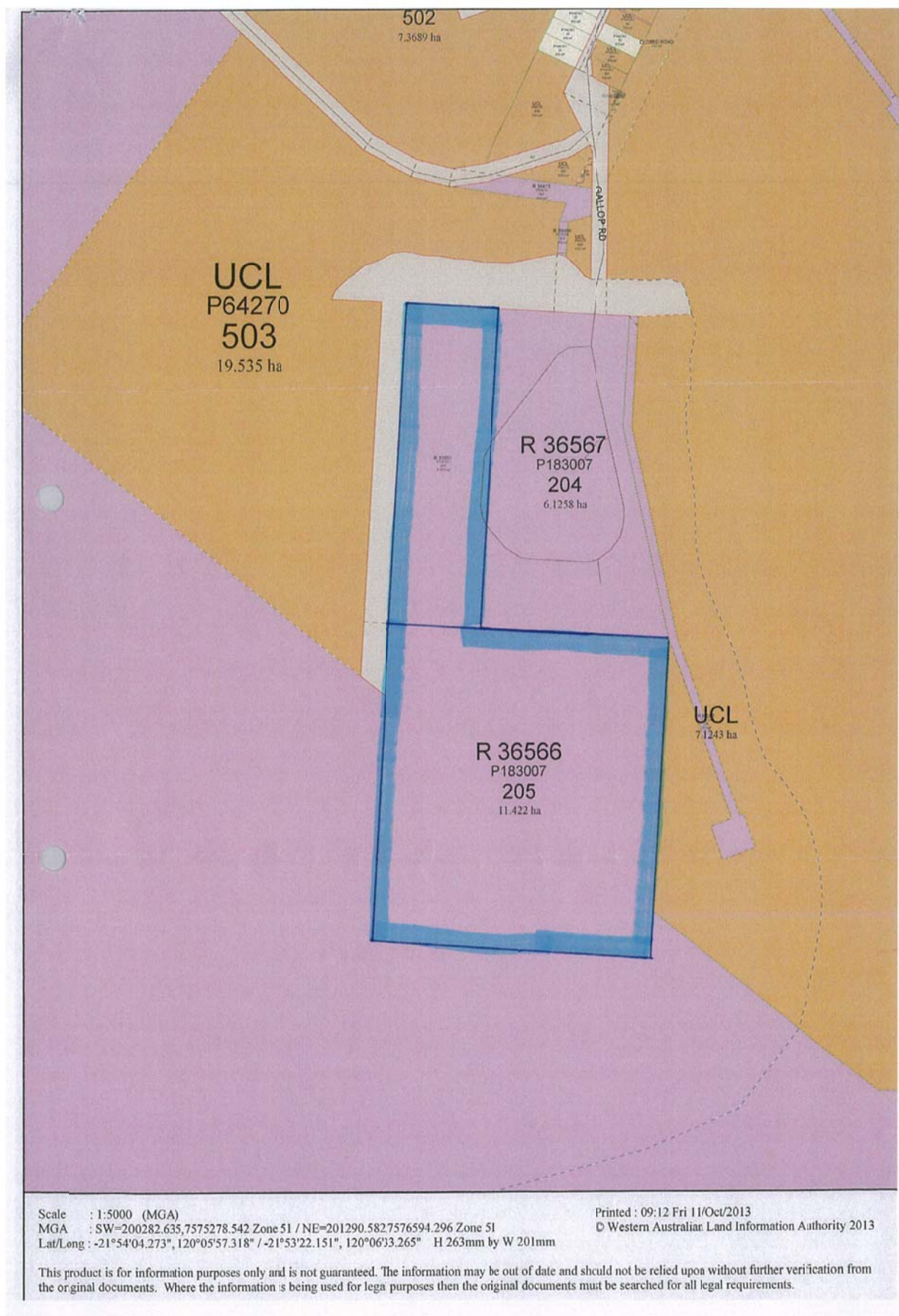
MOVED: Cr Craig Hoyer

SECONDED: Cr Biddy Schill

THAT Council requests the Minister for Lands to amalgamate Reserve 33851 and Reserve 36566 forming a new reserve and maintaining a reserve purpose of Recreation.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mr Adam Majid, Manager Development Services – Planning.



**9.3.4 PROPOSED CLOSURE OF RIGHT OF WAY BETWEEN LOTS 251 AND 13
COOKE STREET, NULLAGINE**

File Ref: A300140
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Cooke Street, Nullagine
Name of Applicant: K Edwards
Author Disclosure of Interest: Nil

11:50 AM Cr Gerry Parsons returned to the Chambers
11:50 AM Cr Anita Grace left Chambers.

REPORT PURPOSE

Council's consideration is required for the proposed closure of the Right of Way between Lots 251 and 13 Cooke Street, Nullagine.

BACKGROUND

In relation to Lot 251 Cooke Street, Council has previously considered the closure of the Right of WAY (ROW) to the rear of such lot in December 2012 whereby Council resolved the following:

THAT Council resolves to request the Minister for Lands to formally close the portion of Road Reserve/Right of Way at the rear of Lot 251 (formerly Lots 11 and 12) Cooke Street, Nullagine in accordance with Section 58(2) of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998.

Following the above and after discussions with the applicant and Department of Lands, it has also been requested that Council consider the closure of the ROW between Lot 251 and Lot 13 as indicated on the attached plan.

The ultimate purpose of wanting to acquire both ROWs is to increase the area of land for ownership by the applicant in order to satisfy their current and future accommodation activities. Additionally, the applicant has also requested the closures on the basis that the ROWs are not used and appear to serve no purpose both today and for the future of Nullagine.

COMMENTS/OPTIONS/DISCUSSIONS

On review of the proposal it is noted that the subject ROW has historically remained unformed and/or provided little service in respect of the adjoining lots. Additionally, it is noted that at present, there are no current or future plans adopted by Council for development and/or use of the ROW.

A desktop review has been undertaken in relation to serves of which it has been established that a closure of the ROW would not impact on current utilities within the vicinity.

Normally, any actions taken to commence a closure should generally be followed by a period of consultation with the affected adjoining property owners. However, due to the commencement and approval for the closure of the ROW to the rear of Lot 251, further consultation has already been undertaken with the owners of Lot 13 (Department of Health) by both the applicant and Department of Lands. Accordingly, the Department of Lands have requested only a Council resolution indicating either support or the non-acceptance of the proposed closure.

If approval is given by the Department of Lands, the applicant is then responsible to purchase the land based on a valuation provided by the Department of Lands as well as covering the cost of surveys etc.

In considering the points raised previously in this report, it is considered appropriate that Council support the closure of the ROW between Lots 251 and 13 Cooke Street, Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997 Section 58 and Land Administration Regulations 1998 Regulation 9.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/276

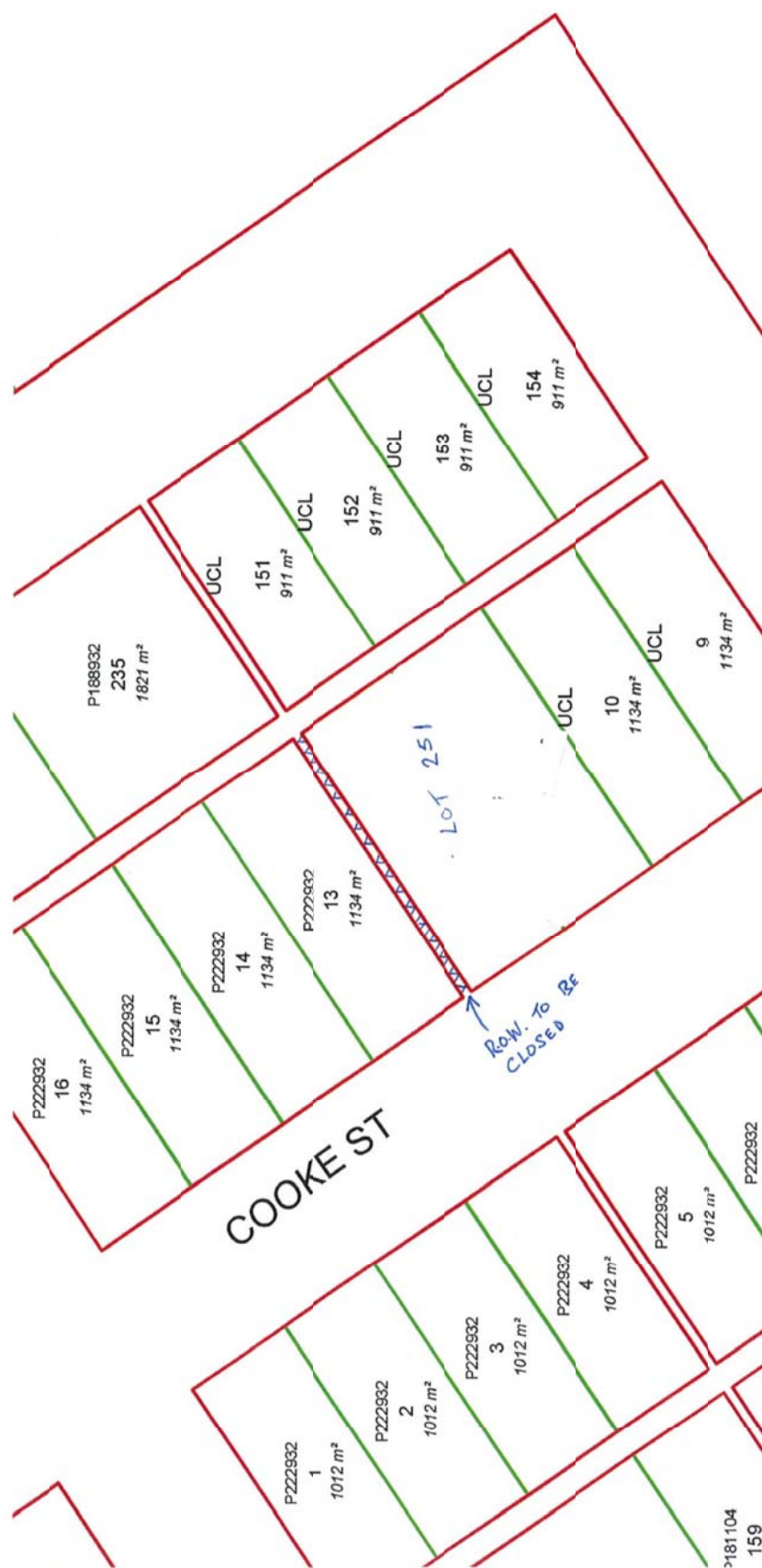
MOVED: Cr Craig Hoyer

SECONDED: Cr Dean Hatwell

THAT Council in pursuance of Section 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998 advises the Minister of Lands that it supports and requests the closure of the Right of Way between Lots 251 and 13 Cooke Street, Nullagine.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mr Adam Majid, Manager Development Services – Planning.



9.3.5 REQUIREMENT TO NAME NEW ROADS - LOT 511 GREAT NORTHERN HIGHWAY, NEWMAN

File Ref: PLN-8-3
Attachments: [511 GNH Proposed Road Names.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Lot 511 Great Northern Highway, Newman
Name of Applicant: Halcyon Property
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council consideration is required with respect to an application for road names in respect of the new subdivision on Lot 511 Great Northern Highway.

BACKGROUND

The Western Australian Planning Commission (WAPC) granted approval to subdivide Lot 511 on 18 December 2012 into a total of 244 residential lots plus public open space. Since the issuance of the approval, construction was commenced (albeit with some delays) and it is expected that practical completion will be some time around August 2014. As a result, the developer has now submitted an application (refer to attached plan) to apply for road names which requires the consideration of Council.

In accordance with the attached plan, the applicant has requested the following names to be applied:

- Macpherson Circuit:
Derived from Macpherson Creek which is a tributary of the Oakover River and situated on Wandanya station.
- Andy Road:
Derived from Andy Creek which flows into 8 Mile Creek in the vicinity of Bamboo Creek.
- Caldera Road:
Derived from Caldera Creek. A Caldera is a cauldron like volcanic feature usually formed by the collapse of land following a volcanic eruption. The creek is so named as it passes through a feature thought to be a caldera on its way into the Shaw River.
- Elsie Street:
Derived from Elsie Creek which flows into the Nullagine River on the northern reach from the Nullagine townsite.
- Fletcher Loop:
Derived from Fletcher Creek which flows into the eastern reach of Cooglegong Creek which is a tributary of Shaw River.
- May Road:

Derived from May Creek which is a tributary of Rudall River and located within Karlamilyi National Park.

- Blanche Loop:
Derived from Lake Blanche which is a salt lake within Karlamilyi National Park.
- Cotton Road:
Derived from Cotton Creek located within Karlamilyi National Park.
- Talbot Road:
Derived from Talbot Soak located within Karlamilyi National Park.

COMMENTS/OPTIONS/DISCUSSIONS

The developer has chosen a water theme which is consistent with the adjoining Landcorp East Newman development although they are not required to be consistent with such. In either case, the names have been scrutinised by the Shire's Town Planning section which has confirmed that the names are acceptable in accordance with Landgate's Geographic Names Committee policies and standards.

As good practice it will also be suggested that alternate names be provided in case one or more of the suggested names is not accepted by Landgate. Accordingly, the Town Planning section has made the following suggestions for alternatives if required:

- Dora:
Derived from Lake Dora - a salt lake in/around Karlamilyi National Park.
- Winifred:
Derived from Lake Winifred - a salt lake in/around Karlamilyi National Park.
- Auld:
Derived from Lake Auld – a salt lake in/around Karlamilyi National Park.
- Hann:
Derived from explorer Frank Hann who named Rudall River after surveyor William Frederick Rudall.
- Coondecoon:
Derived from Coondecoon Pool located within Karlamilyi National Park.
- Carcoonya:
Derived from Carcoonya Pool located within Karlamilyi National Park.

Given that the suggested names have been checked for accurateness and there are no perceived issues with the proposal, it is recommended that Council endorse the application for the road names as suggested by the applicant and in doing so also provides some alternatives should Landgate not accept one or more of the proposed names.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/277

MOVED: Cr Craig Hoyer

SECONDED: Cr Dean Hatwell

THAT Council:

1. Supports and recommends approval to the Geographic Names Committee for the use of the following road names:

- Macpherson Circuit;
- Andy Road;
- Caldera Road;
- Elsie Street;
- Fletcher Loop;
- May Road;
- Blanche Loop;
- Cotton Road; and
- Talbot Road

as identified on the attached plan; and

2. Recommends the following alternative names should one or more from point one (1) above not be acceptable:

- Dora;
- Winifred;
- Auld;
- Hann;
- Coondecoon; and
- Carcoonya.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mr Adam Majid, Manager Development Services – Planning.

9.3.6 APPOINTMENT OF AUTHORISED OFFICERS FOR THE SHIRE OF EAST PILBARA

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Paul Dickson
Manager Community Safety

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Author is one of the recommended appointee's
11:54 AM Cr Anita Grace returned to the Chambers

REPORT PURPOSE

This report recommends that Council appoint Council Officers to be authorised officers pursuant to the Emergency Management Act 2005.

BACKGROUND

Section 9.10 of the Local Government Act 1995 states that "the Local Government may, in writing, appoint persons or classes of persons to be authorised for the purpose of performing particular functions"

COMMENTS/OPTIONS/DISCUSSIONS

A local authority may from time to time appoint such persons as it thinks necessary to be authorised officers to carry out the functions of certain Acts and Regulations.

As a consequence of the appointment of the Manager Community Safety and two Rangers it is necessary to re-visit the appointments of authorised officers pursuant to the Emergency Management Act 2005.

With the above in mind it is recommended that the following Council Officers be appointed as authorised officers pursuant to Division 3 Section 45 of the Emergency Management Act 2005.

- Paul Dickson - Manager Community Safety
- Andrew Norris - Coordinator Ranger Services
- Kyle Cameron - Ranger
- Arron Livingstone - Ranger
- Stuart Robb - Caretaker – Cape Keraudren

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 9.10 of the Local Government Act 1995 states that "*the Local Government may, in writing, appoint persons or classes of persons to be authorised for the purpose of performing particular functions*"

Division 3 of the Emergency Management Act 2005 (powers of Local Government during a cyclone) Section 45, states that “the powers given to a local government by this Division can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers”

Section 46. Power of local government to destroy dangerous vegetation or premises in cyclone area.

If a local government is of the opinion that any vegetation or premises on land in a cyclone area in the district of the local government may, as a result of the cyclonic activity —

- (a) cause loss of life, prejudice to the safety, or harm to the health, of persons or animals; or*
- (b) destroy or damage property or any part of the environment, the local government may remove or destroy the vegetation or remove, dismantle or destroy the premises.*

Section 47. Local government may require owner or occupier of land to take action

(1) If a local government is of the opinion that any vegetation or premises on land in a cyclone area in the district of the local government may, as a result of the cyclonic activity —

- (a) cause loss of life, prejudice to the safety, or harm to the health, of persons or animals; or*
- (b) destroy or damage property or any part of the environment, the local government may give a person who is the owner or the occupier of the land a direction in writing requiring the person to take measures specified in the direction to prevent or minimise the loss, prejudice, harm, destruction or damage.*

(2) A person who is given a direction under subsection (1) is not prevented from complying with it because of the terms on which the land is held.

Section 48. Additional powers when direction given

(1) This section applies when a direction is given under section 47.

(2) If the person who is given the direction (the direction recipient) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the direction was given.

(3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.

(4) If a direction recipient —

- (a) incurs expense in complying with the direction; or*
- (b) fails to comply with such a direction and, as a consequence, is convicted and fined or has to pay to a local government the cost it incurs in doing anything under subsection (2), the direction recipient may apply to a court for an order under subsection (6).*

(5) In subsection (4) — court means a court that would have jurisdiction to hear an action to recover a debt of the amount of the expense, fine or cost sought to be recovered by the direction recipient.

(6) On an application under subsection (4) the court may order —

- (a) if the direction recipient is the owner, the occupier; or*

(b) if the direction recipient is the occupier, the owner, to pay to the direction recipient so much of that expense, fine or cost as the court considers fair and reasonable in the circumstances.

(7) In determining what is fair and reasonable the court is to have regard to —

(a) the type of land involved;

(b) the terms on which the occupier is occupying the land; and

(c) any other matter the court considers to be relevant.

Section 49. Provisions are in addition to other powers

This Division is in addition to, and does not derogate from, the powers of a local government under the Local Government.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/278

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council appoint the following Council Officers as authorised officers for the Shire of East Pilbara:

- **Paul Dickson - Manager Community Safety**
- **Andrew Norris - Coordinator Ranger Services**
- **Kyle Cameron - Ranger**
- **Arron Livingstone - Ranger**
- **Stuart Robb - Caretaker – Cape Keraudren**

to exercise powers pursuant to Division 3 of the Emergency Management Act 2005 (powers of Local Government during a cyclone) Section 45.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mr Paul Dickson, Manager Community Safety.

**9.3.7 APPROVAL OF NEW EXPENDITURE NOT PREVIOUSLY ALLOWED FOR
IN BUDGET – COMMUNITY SAFETY – LIGHTING PROJECTS**

File Ref: FIN-23-10
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Paul Dickson
Manager Community Safety
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's approval for expenditure on pathway lighting not previously allowed for in the budget.

BACKGROUND

BHP Billiton have allocated funds for financial year 2013/2014 that if they are not expended will be 'lost', subsequently BHP Billiton advised the Shire that this funding (\$250,000.00) was available to the shire outside of the Community Safety Identification Study, that is funded by BHP Billiton.

The Shire has identified the pathway along Fortescue Avenue as a pathway that could be made safer and significantly improved if lighting was erected along its length and in the exercise nodes as a priority project. Should sufficient funds be available, lighting of the pathway along Welsh Drive between Fortescue Avenue and Fortescue Avenue has been identified as a priority 2nd project.

BHP Billiton has indicated that they may provide the funding subject to general agreement at their next approvals meeting on the 24th April 2014.

COMMENTS/OPTIONS/DISCUSSIONS

This funding will assist Council in its endeavours to provide for a safe, secure community. The erection of lighting along the Fortescue Avenue walkway may encourage people to use it more regularly, consequently encouraging more use of the exercise nodes. Lighting would also assist to allay any anxiety around community safety and also discourage anti-social behaviour in the area.

Council endorsed the Community Safety and Crime Prevention Plan 2014-2016 and the expenditure of this funding not previously allowed for in the budget on pathway lighting would be consistent with the findings from the community survey and what is contained in the plan.

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

1.1.2 Continued strong financial management

Responsible officer: DCEO

Timing: 1 year

FINANCIAL IMPLICATIONS

There are no current resources allocated however the funding from BHP Billiton will mean there are no implications to the Council budget.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/279

MOVED: Cr Craig Hoyer

SECONDED: Cr Dean Hatwell

THAT Council approve expenditure on Community Safety pathway lighting projects not previously included in the budget, subject to BHP Billiton funding.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0

To be actioned by Mr Paul Dickson, Manager Community Safety.

9.3.8 APPROVAL TO DISPOSE OF CONFISCATED OR UNCOLLECTED GOODS

File Ref: RNG-2-2
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Paul Dickson
Manager Community Safety
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to approve the disposal of confiscated or uncollected goods where the value of the tender/quote exceeds \$1500.00.

BACKGROUND

Shire Rangers regularly impound abandoned vehicles once impounded the last registered owner is advised, where possible, that the vehicle has been impounded and they are given the opportunity to collect it from the Shire impound yard. If no one collects the impounded vehicle and the statutory period of 60 days elapses, the vehicle is advertised as being available to be sold and quotes are called for.

Typically these quotes are quite low because of the poor condition of the vehicles and where the quotes are below \$1500 the Manager Community Safety may dispose of the abandoned vehicle under delegated authority (5.87 Disposing of confiscated or uncollected goods), however when the quote exceeds \$1500 it must be determined by Council.

Council recently advertised for quotes for Impound Number Lot 17-13 being a white Landcruiser Troop Carrier, two quotes were received, one being for \$510 plus GST and the other being for \$2100 plus GST.

COMMENTS/OPTIONS/DISCUSSIONS

Sale of the vehicle to the highest quote would defray Councils costs towards removing the vehicle to the impound yard.

STATUTORY IMPLICATIONS/REQUIREMENTS

3.47. Confiscated or uncollected goods, disposal of:

(1) The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.

(2) The local government may sell or otherwise dispose of any vehicle that has not been collected within —

(a) 2 months of a notice having been given under section 3.40(3); or

(b) 7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.

(2a) The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —

(a) a notice having been given under section 3.42(1)(b) or 3.44; or

(b) being impounded if the local government has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender.

(2b) The period after which goods may be sold or otherwise disposed of under subsection (2a) is —

(a) for perishable goods — 3 days;

(b) for animals — 7 days;

(ca) for prescribed non-perishable goods — one month;

(c) for other non-perishable goods — 2 months.

(3) Section 3.58 applies to the sale of goods under this section as if they were property referred to in that section.

(4) Money received by a local government from the sale of goods under subsection (2a) is to be credited to its trust fund except to the extent required to meet the costs and expenses incurred by the local government in removing, impounding and selling the goods.

(5) Money received by a local government from the sale of a vehicle under subsection (2) is to be credited to its trust fund except to the extent required to meet the costs referred to in section 3.46 and the expenses incurred by the local government in selling the vehicle.

(6) Unless this section requires it to be credited to its trust fund, money received by a local government from the sale under this section of any goods is to be credited to its municipal fund.

Delegation 5.87 Disposing of Confiscated or Uncollected Goods

Delegation From: *Council*

Delegation To: *Chief Executive Officer*

Sub-delegation To: *Manager Development Services – Health*

Coordinator Ranger & Emergency Services

Manager Community Safety

Council File Reference: *N/A*

Legislative Authority for Delegation:

ss5.42, 5.43 and 5.44 Local Government Act 1995

Delegation

If any goods have not been collected in accordance with a notice given, the local government may sell or otherwise dispose of them as per s3.47 Local Government Act 1995 however, where the value of any tender exceeds \$1500 the tender is to be determined by Council.

Statutory power being delegated

ss3.47 (1), 3.47(2), 3.47(2a) and 3.47A(1) Local Government Act 1995.

Conditions attached to Delegation

Tenders exceeding the amount of \$1500 are to be determined by Council.

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.

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/280

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT Council approve the sale of Impound Number Lot 17-13 to the highest quote being \$2,100 plus GST, submitted by Mr Phillip Eden.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0

To be actioned by Mr Paul Dickson, Manager Community Safety.

9.3.9 AMENDMENT TO PARKING STATION DETERMINATION - NEWMAN AIRPORT

File Ref: LEG-5-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Paul Dickson
Manager Community Safety
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to approve an amendment to the Newman Airport Parking Station determination.

BACKGROUND

On 7 December 2012 Council resolved pursuant to clause 3.1(1) (b) of the Shire of East Pilbara *Parking and Parking Facilities Local Law 2011* to determine the Newman Airport Parking Precinct, defined by Reserve 44775 Lot 37 Koondra District, Great Northern Highway as a Parking Station.

Council also determined various permitted conditions associated with parking at the airport and classes of vehicles which may park in this parking station.

An unintended consequence of those conditions was a failure to exclude vehicles of a certain class from the short term car park, these being long and/or wide vehicles, particularly buses (by definition means a motor vehicle built to carry mainly people that seats over 12 adults, including the driver – *Road Traffic Code 2000*) and trucks (by definition means a motor vehicle with a gross vehicle mass over 4.5t, except a bus or tractor - *Road Traffic Code 2000*).

The failure to exclude these vehicles means that they can enter and subsequently, by their size and lack of manoeuvrability, cause obstruction, particularly when stopping in the carriageway of the short term car park to allow passengers to disembark.

COMMENTS/OPTIONS/DISCUSSIONS

Controlled parking has already been introduced at the Newman Airport and has been in place since July 2012 and authority to control parking through Council Officers by the issuing of cautions and infringements has been in place through the Shire of East Pilbara *Parking and Parking Facilities Local Law 2011* and the determination of Newman Airport parking precinct as a Parking Station.

The problem associated with vehicles parking so as to cause an obstruction will continue to be managed by Airport Officers, who can request vehicles move on, and Rangers who can issue cautions and infringements.

The matter of long and wide vehicles parking in the short term car park can be managed by an amendment to the Newman Airport Parking Station Determination and it is suggested that the following condition be inserted at condition g in the conditions associated with parking and those classes of vehicles which may park in the parking station and that the words 'mini buses' and 'minivans' be deleted from current condition h:

New condition 'g' to be inserted:

"g. Pursuant to Clause 3.1(1)(d) all wide or long vehicles such as buses, trucks, motor homes or any vehicle with a trailer or caravan is excluded from entering the short term car parking area as shown on drawing PTC14-121126-2"

All other existing conditions after new inserted condition 'g' to be renumbered.

Current conditions:

- a. Pursuant to clause 3.1(1)(b), the Newman Airport Parking Precinct, defined by Reserve 44775 Lot 37 Koondra District, Great Northern Highway, and displayed in the attached drawing R44775-121126-1, be deemed a parking station;
- b. Pursuant to clause 3.1(1)(c), "No Stopping" is to occur on the Airport Terminal Access Roadway immediately in front of the terminal for the length of road shown on drawing PTC14-121126-2.
- c. Pursuant to clause 3.1(1) (c), "Taxi Zone" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2.
- d. Pursuant to clause 3.1(1)(c), "No Parking" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2. A set down only time of maximum 2 minutes will be designated.
- e. Pursuant to clause 3.1(1)(c), Authorised vehicles only are allowed to access the freight shed area as shown on drawing PTC14-121126-2. This includes light vehicles/sedans dropping off or picking up pets.
- f. Pursuant to clause 3.1(1)(d), only light vehicles and sedans without trailers will be permitted in the Short Term Parking Area as shown on drawing PTC14-121126-2.
- g. *Insert amendment g. here*
- h. Pursuant to clause 3.1(1)(c), "Loading Zone" to be designated in area marked and signed and as shown on drawings PTC14-121126-2 and PTC99-121126-3."
- i. Pursuant to clause 3.1(1)(d), all vehicles are permitted in the Long Term Parking Area but large or long vehicles are only permitted in the Long Term Parking Area as shown on drawing PTC99-121126-3. This includes all long vehicles such as buses, trucks, ~~mini buses, minivans~~, coasters, boats, caravans and motor-homes or any vehicle with a trailer.
- j. Pursuant to clause 3.1(1)(d), bays D1 to D13 in the Long Term Car Park are designated for "Shuttle Buses" as shown on drawing PTC13-121126-4. Only

Shuttle Buses may use these parking stalls. This includes buses, mini buses, minivans and coasters etc.

- k. Pursuant to clause 3.1(2), the Council erect signs to give effect to this determination.

STATUTORY IMPLICATIONS/REQUIREMENTS

Clause 3.1 Shire of East Pilbara *Parking and Parking Facilities Local Law 2011*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

Goal 3 – Economic – Planned Actions

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

- 3.3 Provide adequate community infrastructure
 - 3.3.1 Ensure well managed and equitable provision of community infrastructure
Responsible officer: MBA
Timing: 1-5 years
 - 3.3.3 Provide infrastructure to support economic development
Responsible officer: DCEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/281

MOVED: Cr Anita Grace

SECONDED: Cr Shane Carter

THAT Council approve the amendments to the Newman Airports Parking Facilities determination, being:

- 1. (g) Pursuant to Clause 3.1(1)(d) all wide or long vehicles such as buses, trucks, motor homes or any vehicle with a trailer or caravan is excluded from entering the short term car parking area as shown on drawing PTC14-121126-2; and**
- 2. To delete the words 'mini buses' and 'minivans' from current condition h of the determination.**

and;

THAT Council endorse the updated determination to read:

- a. Pursuant to clause 3.1(1)(b), the Newman Airport Parking Precinct, defined by Reserve 44775 Lot 37 Koondra District, Great Northern Highway, and displayed in the attached drawing R44775-121126-1, be deemed a parking station;**
- b. Pursuant to clause 3.1(1)(c), "No Stopping" is to occur on the Airport Terminal Access Roadway immediately in front of the terminal for the length of road shown on drawing PTC14-121126-2.**
- c. Pursuant to clause 3.1(1) (c), "Taxi Zone" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2.**
- d. Pursuant to clause 3.1(1)(c), "No Parking" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2. A set down only time of maximum 2 minutes will be designated.**
- e. Pursuant to clause 3.1(1)(c), Authorised vehicles only are allowed to access the freight shed area as shown on drawing PTC14-121126-2. This includes light vehicles/sedans dropping off or picking up pets.**
- f. Pursuant to clause 3.1(1)(d), only light vehicles and sedans without trailers will be permitted in the Short Term Parking Area as shown on drawing PTC14-121126-2.**
- g. Pursuant to Clause 3.1(1)(d) all wide or long vehicles such as buses, trucks, motor homes or any vehicle with a trailer or caravan are excluded from entering the short term car parking area as shown on drawing PTC14-121126-2**
- h. Pursuant to clause 3.1(1)(c), "Loading Zone" to be designated in area marked and signed and as shown on drawings PTC14-121126-2 and PTC99-121126-3."**
- i. Pursuant to clause 3.1(1)(d), all vehicles are permitted in the Long Term Parking Area but large or long vehicles are only permitted in the Long Term Parking Area as shown on drawing PTC99-121126-3. This includes all long vehicles such as buses, trucks, coasters, boats, caravans and motor-homes or any vehicle with a trailer.**

- j. Pursuant to clause 3.1(1)(d), bays D1 to D13 in the Long Term Car Park are designated for “Shuttle Buses” as shown on drawing PTC13-121126-4. Only Shuttle Buses may use these parking stalls. This includes buses, mini buses, minivans and coasters etc.
- k. Pursuant to clause 3.1(2), the Council erect signs to give effect to this determination.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mr Paul Dickson, Manager Community Safety.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**11.1 TENDER PRC 001/14 - SUPPLY AND INSTALLATION OF SCREENING
EQUIPMENT AT KARRATHA AIRPORT, NEWMAN AIRPORT AND PORT
HEDLAND INTERNATIONAL AIRPORT BE ACCEPTED AS ITEM 11.1.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/282

MOVED: Cr Gerry Parsons

SECONDED: Cr Kevin Danks

**THAT the Tender PRC 001/14 – Supply and Installation of Screening Equipment
at Karratha Airport, Newman Airport and Port Hedland International Airport be
accepted as item 11.1.1 of this agenda 24th April 2014.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

**11.1.1 TENDER PRC 001/14 - SUPPLY AND INSTALLATION OF SCREENING
EQUIPMENT AT KARRATHA AIRPORT, NEWMAN AIRPORT AND PORT
HEDLAND INTERNATIONAL AIRPORT**

File Ref:	FAC 1-5
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Leon Burger Chief Operating Officer-Airports
Proposed Meeting Date:	24 April 2014
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council's approval for the acceptance of tenders for the Supply and Installation of Screening Equipment at Newman Airport in support of the shire's role as Screening Authority (SA) at this airport.

BACKGROUND

Originally no provision in terms of capital acquisition and services delivery costs were made in the current FY13/14 budget, as no indication was given that Qantas intended withdrawing as Screening Authority(SA) at a number of airports across Australia. During the FY 13/14 budget review, a tentative budget allocation towards

acquiring screening equipment was made based on general quotes received but, before a tender process had been completed. A provision for capital expenditure of \$304,100 (GST Excl) was made towards the replacement of non-compliant Qantas owned screening equipment.

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.

On 02 July 2013 the CEO's of the shires constituting the Pilbara Regional Council (PRC) agreed to a collaborative approach to acquire the screening equipment and services associated with the individual shires assuming the roles of SA following the withdrawal of Qantas as SA from 1 May 2014. This collaborative and collective approach would ensure the following:

- Economy of scale in the tender and bargaining processes for equipment and services.
- Economy of scale in terms of life cycle costs and service agreements.
- Commonality of equipment and service providers.

The PRC CEO, Mr Tony Friday, recommended that the requests for tender (RFT) for both equipment and services be issued and managed through the PRC. This was agreed upon and an RFT PRC 001/14 was issued on 12 February 2014. This first tender called for the supply and installation of screening equipment based on the specified requirements of individual airports against the following milestones:

Invitation to Tender	Released 12 February 2014
Site Visit (Karratha)	9am Wednesday 26 February 2014
Site Visit (Port Hedland)	9am Thursday 27 February 2014
Site Visit (Newman)	9am Friday 28 February 2014
Tender Closing	4:00pm 12 March 2014
Evaluation	28 March 2014
Tender Award	8 – 14 April 20

COMMENTS/OPTIONS/DISCUSSIONS

Following the tender recommendation by the PRC, each individual shire will then place orders and enter into supply and maintenance contracts directly with the successful tenderer. Tender submissions were made by the following companies:

- Safran Morpho
- L-3 Communications Australia Pty Ltd
- Smiths Detection

Withdrawn from the tender process: Rapiscan Systems Australia

The Office of Transport Security (OTS) granted extension to continue utilising the now non-compliant screening equipment owned by Qantas until 31 July 2014. Replacement equipment for Newman Airport as specified in the RFT includes:

- X-ray Observation Unit – 2 View x 1
- Roller beds 3 meter x 2
- Walk-through Metal Detector x 2
- Explosive Trace Detector (EDT) x 2
- EDT Consumables 1 Year's Supply
- Hand-held Metal Detectors x 3
- Operating and Maintenance Manuals x 2
- Full commissioning and training
- First year warrantee
- Four years maintenance and support
- 2 x One year extensions to maintenance and support agreements

The tender documentation was comprehensive in detail and included the request for tender, specifications, scope of works, conditions of contract and the tenderers' offer.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders:

- Understanding of Council's Requirements 20%
- Previous Experience 10%
- Installation Program and Plans 15%
- Local Preference 5%
- Capital Cost of Equipment 20%
- Life Cycle Costs – Including Consumables 30%

The PRC panel completed the compliance assessments of submitted tenders for PRC001/14. Two representatives from each of the airports; Karratha, Newman, and Port Hedland, then independently conducted the qualitative assessments. These assessors included:

- Karratha Mitchell Cameron
Nancy Wain
- Newman Leon Burger
Salomon Kloppers
- Port Hedland Brett Reiss
Ian McKay

The PRC subsequently aggregated all responses and scores into one 'master' sheet and determined both preferred and unsuccessful tenderers, and notified those parties of the outcome. A full assessment of the tender submissions is attached under a separate confidential cover.

The following table summarises the weightings that were given by the assessment panel to the short listed companies who submitted a tender:

Description	Weighting	L3	Morpho	Smiths
Understanding of Requirements	20%	14.21	12.93	14.33
Previous Experience	10%	7.00	6.56	8.06
Installation Program and Plans	15%	12.33	8.25	9.90
Local Preference	5%	.83	0.17	.83
Capital Cost of Equipment (GST Excl)	20%	12.17	11.00	16.17
Life Cycle Costs	30%	17.80	18.30	21.30
TOTAL	100%	64.34	57.20	70.59

The results of the tender assessment indicates that Smiths Detection is the most advantageous tender to Council based on its overall highest weighted scoring, even without application of Local Purchase Policy factor. They were furthermore the only tenderer who submitted a revised passenger screening lane lay-out for Newman Airport that optimises existing floor space. Further advantages include the fact that the shire currently owns and operates Smiths Checked Baggage Screening (CBS) X-ray and Eonscan ETD machines, with an expected useful life of another three years. This includes existing support and maintenance agreements, and additional savings in terms of economy of scale at the local level may also be forthcoming.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

The contact officer for enquiries and submissions of tenders was Mr Alexis Guillot, Deputy CEO PRC. Tenders were submitted to the:

TENDER BOX
SUPPLY AND INSTALLATION OF SCREENING EQUIPMENT AT PILBARA AIRPORTS
Pilbara Regional Council
Suite 5, 205 Bulwer Street
Perth WA 6000

POLICY IMPLICATIONS

NIL

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 *Ensure well managed and equitable provision of community infrastructure*

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Budgetary allowance of \$304,100 (GST Excl) has been made within the FY13/14 revised capital budget which will allow acquisition of the range of screening equipment required.

The first year's maintenance and support will be covered under product warrantee. Preventative and remedial maintenance costs for the next four years, plus a further two more years optional, will be budgeted for under the respective FY operating budgets. These life cycle costs are set at \$ 165,500.00 – spread over six financial years.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/283

MOVED: Cr Shane Carter

SECONDED: Cr Dean Hatwell

THAT Council awards Tender PRC001/14 for the Supply and Installation of Screening Equipment at Newman Airport to Smiths Detection for the tendered price of \$194,295.00 inclusive of GST.

and;

THAT Council authorises the Chief Executive Officer to enter into an agreement for the tendered life cycle maintenance and support with Smiths Detection to the value of \$165,500.00 inclusive of GST over FY 2015/16 to FY 2020/21.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mr Leon Burger, Chief Operating Officer Airports.

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

12.1 MEETING CLOSED TO MEMBERS OF THE PUBLIC

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/284

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

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 for items 12.1.1 & 12.1.2

- (a) A matter affecting an employee or employees.**

CARRIED
RECORD OF VOTE: 10 - 0

**12.1.1 AFFIXING COMMON SEAL TO EMPLOYMENT CONTRACT DIRECTOR
TECHNICAL AND DEVELOPMENT SERVICES**

File Ref: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Proposed Meeting Date: 24 April 2014

CLOSED TO THE PUBLIC

This report is presented to Council as a confidential document under Section 5.23(2) of the Local Government Act 1995 on the basis that it contains details relating to (a) A matter affecting an employee or employees.

Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council of the proposal to extend the employment contract of Mr Rick Miller, Director Technical and Development Services, who is classified as a senior employee.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/285

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT:

- 1. Council accept the Chief Executive Officer's recommendation to extend the employment contract of Mr Rick Miller, Director Technical & Development Services for a further 2 year term from 14 May 2014 to 14 May 2016.**
- 2. The common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Rick Miller for a period of two years.**

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Mr David Kular, Manager Human Resources.

12.1.2 ANNUAL PERFORMANCE REVIEW APPRAISAL - CHIEF EXECUTIVE OFFICER

File Ref: ADM 1-1
Responsible Officer: Mrs Lynne Craigie
Shire President
Author: Mr Allen Cooper
Chief Executive Officer

CLOSED TO THE PUBLIC

This report is presented to Council as a confidential document under Section 5.23(2) of the Local Government Act 1995 on the basis that it contains details relating to (a) A matter affecting an employee or employees.

Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author Incumbent

12:00 PM Mr Allen Cooper left Chambers.
12:00 PM Ms Sian Appleton left Chambers.
12:00 PM Mrs Sheryl Pobrica left Chambers.

REPORT PURPOSE

For Council to consider the outcome of the performance review of the Chief Executive Officer.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/286

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT the performance review of the Chief Executive Officer be accepted without modification.

CARRIED
RECORD OF VOTE: 10 - 0

To be actioned by Cr Lynne Craigie, Shire President.

12.2 MEETING OPEN TO MEMBERS OF THE PUBLIC

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/287

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

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

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

12:15 PM Mr Allen Cooper returned to the Chambers

12:15 PM Ms Sian Appleton returned to the Chambers

12:15 PM Mrs Sheryl Pobrica returned to the Chambers

12:15 PM Meeting adjourned for lunch.

12:56 PM Meeting resumed, All Councillors and staff returned to Chambers.

13 GENERAL BUSINESS

13.1 NO CAMPING SIGNS

Cr Biddy asked if No Camping signs can be put up around parking bays in Nullagine especially across from the roadhouse as many trucks are staying overnight.

Manager Technical Services – Rural to follow up.

13.2 FLAGPOLE MARBLE BAR POOL

Cr Dean Hatwell asked if a flagpole can be installed at the Marble Bar Pool as Australia Day celebrations are held at the pool and cannot put up a flag.

Deputy Chief Executive Officer to follow up.

13.3 LANDSCAPING MINDARRA DRIVE

Cr Shane Carter said the landscaping is starting to look good, is it possible to meet with the Newman Club to discuss their intentions.

Deputy Chief Executive Officer to follow up.

13.4 FIRE STATION NEWMAN RECLAIM WATER

Cr Doug Stead has asked about reclaim water for the greening of the Newman Fire Station.

Director Technical and Development Services to follow up.

13.5 ASHBURTON ABORIGINAL CORPORATION CLEAN UP

Cr Doug Stead asked if we can send a letter of appreciation for the work Ashburton Aboriginal Corporation are doing for the clean-up around the Parnpajinya and Jigalong Community.

Deputy Chief Executive Officer to follow up.

13.6 FUTURE HOSTEL

Cr Gerry Parsons has asked will the new hostel being considered, will this be for everyone or will it just be for indigenous?

Chief Executive Officer to follow up.

13.7 NEWMAN AIRPORT STAFF PARKING

Cr Gerry Parsons would like an update on staff parking allocation at the Newman Airport for night time.

Director Technical and Development Services to follow up.

13.8 NEW SHOPPING CENTRE

Cr Anita Grace has asked if the shopping centre is going to take longer than 2 years to be built is it possible to do something to make the bare area look attractive.

Cr Lynne Craigie has suggested bringing this up at the Steering Committee meeting.

13.9 PRODUCING A FILM IN THE SHIRE OF EAST PILBARA.

Cr Lynne Craigie had been contacted by an LA film producer regarding making a movie in the Shire of East Pilbara called Silence Fear and will keep Council inform of the progress and what the Shire can do to help the film company.

14 DATE OF NEXT MEETING

23rd May 2014, Newman

15 CLOSURE

1:25 PM