

Unconfirmed copy of Minutes of
Meeting held on 26 June 2015 subject
to confirmation at meeting to be held
on 24 July 2015



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, FRIDAY, 26 JUNE, 2015.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:16AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Lynne Craigie
Lang Coppin OAM
Shane Carter
Craig Hoyer
Gerry Parsons
Biddy Schill
Stephen Kiernan
Dean Hatwell

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Sheryl Pobrica

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

Public Gallery

Ms Peta Asplin
Mr Greg Yeo
Ms Dianne Few
Mr Werner Schill

Nullagine Resident
Nullagine Community School
Nullagine Clinic
Nullagine Resident

2.2 APOLOGIES

Councillor Apologies

Anita Grace

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

- Mr Greg Yeo spoke about Nullagine Community School attendance and the usage of the Shire Bus.
- Ms Dianne Few, spoke about being the temporary nurse at the Nullagine Nursing Post, she is enjoying the town of Nullagine and its residents.
- Ms Peta Asplin spoke on the need to seal the area near the public toilet, as it becomes very dusty for people at the parking bay and residents in nearby houses.
- Ms Peta Asplin asked about the Multi-Purpose Centre.

The Deputy CEO explained the funding process and the Shire is looking into alternatives and will provide an update and suggestions to the Nullagine Community before proceeding.

- Mr Werner Schill asked about Skull Spring Road for footpaths.
The DTDS replied this is not in the budget for 2015/2016.
- Mr Werna Schill asked about a footbridge for evacuation when flooding.

The Deputy CEO replied to acquire a footbridge is going to cost a minimum of \$4million dollars and is not feasible.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes May 22 2015 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/239

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT the minutes of the Ordinary Meeting of Council held on 22 May 2015, be confirmed as a true and correct record of proceedings.

**CARRIED
RECORD OF VOTE: 8 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

7.2 PILBARA REGIONAL COUNCIL (PRC) MINUTES

[PRC Council Minutes 11 & 12 .05.2015.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/240

MOVED: Cr Craig Hoyer

SECONDED: Cr Bidy Schill

THAT the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 11th & 12th May 2015, be received.

**CARRIED
RECORD OF VOTE: 8 - 0**

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

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Gerry Parsons attended:

- NCCI Committee Meeting x 2
- Business After Hours with the NCCI
- Councillor Kevin Danks Funeral

Cr Bidy Schill attended:

- LEMC Nullagine Meeting 10/06/2015
- Meeting with Pip Parsonson regarding the Variety Bus 10/06/2015
- Meeting with Pip Parsonson regarding Activities Discussion 11/06/2015

Cr Dean Hatwell attended:

- Marble Bar Race Club Committee Meeting
- Marble Bar Progress Association Meeting
- Marble Bar Tourist Association Meeting

Cr Lang Coppin attended:

- Councillor Kevin Danks Funeral

Cr Shane Carter attended:

- Councillor Kevin Danks Funeral

Cr Stephen Kiernan attended:

- Marble Bar CRC Meeting
- Marble Bar Primary School presenting books to students as a Councillor Representative.

Cr Lynne Craigie attended:

- Councillor Kevin Danks Funeral
- Pilbara Development Commission meeting
- Meeting with Minister Mischin
- WALGA Meetings
- Meeting with the Newman Senior High School Principle.
- Philippine night
- PDC Board Meeting
- ALGA Board Meeting Canberra
- National General Assembly Canberra
- Fortescue Festival Concert Meeting
- Newman Women's Shelter Meeting
- PRC Meeting Karratha
- Fortnightly Shire President Linkup with the Town of Port Hedland, Shire of Ashburton, City of Karratha.
- WALGA Honour Panel Meeting.
- Meeting with CEO and Chairperson Regional Development Australia – Pilbara.
- Meeting with Dr Stoneham, re: Newman Public Health.
- ALGA Teleconference.
- Meeting with Pilbara Development Commission Chair Person, CEO and Maggie Lewis re: Parnpajinya.
- Meeting with CEO, Pilbara Regional Council.
- WALGA Budget Adoption Meeting.
- Meeting with Consultant re: Cost of Living in the Pilbara for RDA.
- Horizon Power Board Meeting.
- PRC Board Dinner.
- Newman Town Centre Planning Meeting with Landcorp.
- Fortescue Festival Concert Committee Meeting.
- WALGA Convention Planning Meeting.
- WALGA LGH Trust Meeting.
- WALGA Finance, Services, Community Management Meeting.
- NSHS Board Meeting.
- Business After Hours & Landcorp Presentation at Fortescue Golf Club.
- EPIS Board Meeting
- EPIS Joint Management with PDC Chairperson and CEO Meeting.

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CR KEVIN DANKS

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

BACKGROUND

To recognise the service of Cr Kevin Graham Danks.

The funeral for Kevin Danks was held at the Kukerin Cemetery on the 12th June 2015. The Shire President, Cr Lynne Craigie, Deputy Shire President, Cr Lang Coppin, Cr Gerry Parsons and Cr Shane Carter, along with the CEO, Allen Cooper attended on behalf of Council. Also in attendance was past Councillor, Doug Stead.

Cr Kevin Graham Danks passed away at Sir Charles Gardiner Hospital on Sunday the 7th June 2015, aged 69.

Kevin served as a Councillor for the North Ward (Shay Gap) 1988-1992. Then again for Central Ward (Marble Bar) 1995-2005 and 2006-2007, finally, 2009 to his passing the East Ward.

Kevin served as a Councillor for total of 21years.

Kevin served on many community committees in particular, Marble Bar Amateur Race Committee, Marble Bar Tourist Association and Pilbara Prospectors Association.

In 2010, he was awarded a Long and Loyal Service Award from the Western Australian Local Government Association.

COMMENTS/OPTIONS/DISCUSSIONS

Please find attached Media Releases from the Shire of East Pilbara, The West Australian.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/241

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council

- 1. Acknowledge the significant contribution that Kevin Graham Danks made to the Shire of East Pilbara during his 21 years as a Councillor.**
- 2. Offer sincere condolence to Ms Helen Mitchell and Kevin's children Daniel, Felicity and Coralie on his passing.**
- 3. Commit to assisting with a memorial service if held in the Shire of East Pilbara.**

**CARRIED
RECORD OF VOTE: 8 - 0**

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

Cr Dean Hatwell advised Council that sponsoring of a race at the Marble Bar Races could be an option as a memorial for Kevin Danks, as one of the sponsors has pulled out.

COUNCIL RESOLUTION: 201516/242

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council support the contribution for a one off sponsorship of a race at the Marble Bar Races on the 4th July 2015 for the Shire of East Pilbara, Kevin Danks Memorial Race in memory of Councillor Kevin Danks to a value of \$5,000 + GST.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

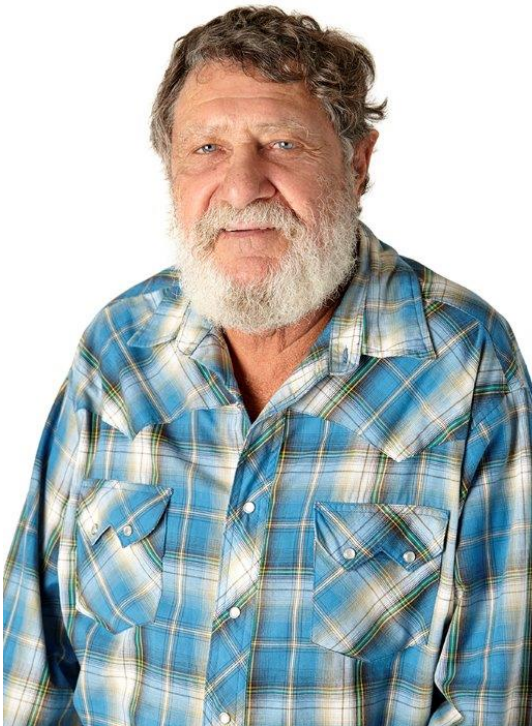
Media Release

Shire of EAST
Pilbara
AUSTRALIA'S LARGEST SHIRE



VALE KEVIN DANKS

The Shire of East Pilbara is mourning the passing of one of its longest serving Councillors, Kevin Danks, who passed away on Sunday 7th June, aged 69.



Kevin first became a Councillor in Shay Gap 1988 for the North Ward before the boundaries were changed. In 1995 he became Councillor for the Central Ward until 2005 and was most recently a Councillor of the East Ward. In total, Kevin served on the Shire of East Pilbara council for 21 years.

He was well known to willingly help those who asked and was always the first to discuss issues at Council from his community and ward. One of the causes most important to him was the improvement of the roads to and from Marble Bar. Kevin played a major role in the getting Marble Bar Road sealed from Port Hedland to Marble Bar; a significant project which has not only made a journey more comfortable for thousands of motorists, but possibly even saved lives.

“To live in such an isolated environment requires people who can stand up and be a voice for the community and its future. Kevin was a champion of Marble Bar and

the surrounding areas ever since he moved to the area more than 30 years ago,” said Shire President Lynne Craigie

“Kevin served on many committees and up until his passing was still a huge part of the Marble Bar Amateur Race Committee, Marble Bar Tourist Association and Pilbara Prospectors Association.

“Kevin was a man whose heart truly belonged to the Pilbara and his passing has left us broken hearted knowing there will never be another like him. Our thoughts are with Helen and his children,” she added.

Cr Kevin Danks has also served on the Marble Bar Telecentre, Marble Bar Progress Association and as a FESA volunteer. He was also the main organiser of the legendary Marble Bar Races and President of the Marble Bar Amateur Race Committee. He was awarded a Long and Loyal Service Award from the Western Australian Local Government Association (WALGA) in 2010.

Councillor Kevin Danks

Elected Service

1988-1992, (Four years)

1995- 2005 re-elected (10 years)

2006- 2007 (one year)

2009- present, re-elected (six years)

Committees/ Taskforces/ Advisory Bodies:

Marble Bar Amateur Race Committee, President

Marble Bar Tourist Association, Vice President.

Pilbara Prospectors Association President

Marble Bar mourns for town favourite

Kelly Bell
June 8, 2015, 4:00 pm

[Share](#)



Kevin Danks. Picture: Kelly Bell

The North West is mourning the loss of one of the Pilbara's biggest characters after the death of Shire of East Pilbara councillor Kevin Danks.

The East Ward councillor of 21 years, and long-time president of the Marble Bar Race Club, Marble Bar Tourist Association, Marble Bar Progress Association and the Pilbara Prospectors Association died in a Perth hospital aged 69 on Sunday.

Mr Danks had lived in Marble Bar for "a hell of a long time" and for many people in the region, he was the embodiment of the Pilbara spirit.

Over the years, the North West Telegraph was fortunate to chat with Mr Danks about all manner of subjects, including the organisation of the annual Marble Bar Races, liquor restrictions, the price of gold, streakers, cyclones which turned out to be fizzers, and jasper collections.

In 2013, he saved the day for a French film crew visiting the Pilbara to film a documentary about the region who were struggling to find a vantage point from which to capture the last moments of the Marble Bar Cup.

After calling on Mr Danks, who had a starring role in the documentary, the closing scenes were recorded from the roof of his 1984 Toyota HJ 47 ute, which was parked at the side of the final straight.

Marble Bar mourns for town favourite - The West Australian


In February, for a story about the things that make the Pilbara special, Mr Danks said life in the remote outpost bred some pretty out-there characters.

“The funny thing with Marble Bar is sometimes you can get real characters, but being a smaller place, they don’t really stick out because everyone is a character,” he said.

“A lot of the blokes are pretty bloody independent — they don’t bludge on their mates.”

To Marble Bar, Mr Danks was one of those characters and he will be sadly missed by all who knew him.

He is survived by his partner Helen and children.

 Share

**9.1.2 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MAY
2015**

File Ref: CLR 4.5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/243

MOVED: Cr Stephen Kiernan

SECONDED: Cr Biddy Schill

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
6 March 2015	13.1	ADSL MARBLE BAR Cr Stephen Kiernan asked the Shire to continue to follow up with Telstra regarding ADSL in Marble Bar. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	To discuss options with PDC	

**CARRIED
RECORD OF VOTE: 8 - 0**

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

9.1.3 JOINT KIMBERLEY PILBARA & NORTHERN TERRITORY FORUM - OUTCOMES REPORT

File Ref: ORG 4-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider any actions from the Joint Kimberley, Pilbara & Northern Territory Forum outcome report.

BACKGROUND

A number of Councillors the CEO and the Deputy CEO attended the Forum held in Darwin between the 2nd and 4th May 2015.

The Outcome Report attached was produced from feedback from the participants at the forum.

A number of items from the report were referred back to the Pilbara Regional Council and/or the Pilbara member Councils under the heading commitments to action.

Commitments to Action

➤ Increased development of connectivity and supply chain logistics, especially ports:
--

- Get the respective organisations talking together, ie: LGAs with airports talking together with airline providers, Pilbara Port Authority to talk with LGAs regarding shipping connection opportunities, Main Roads and LGA's working together with industry and other LGAs to prioritise road and bridge developments to better connect the region;

(Pilbara Regional Council)

- Intra town and northwest regional air route development; joint airports commitment to engage in scoping studies;

(TOPH to lead via the Northwest Aviation Forum)

- Overall review of roads to be prioritised throughout the north (ie: transport routes and heavy haulage to be carried out by MRD and funding prioritised);

(Pilbara Regional Council with feedback from the four member Local Governments)

➤ Develop a standardised project pipeline that can be part of a communication campaign with China:

– Pilbara Regional Council to market our region with China, with input and feedback from the four member Local Governments;

(Pilbara Regional Council)

➤ Gain clarity on the Aboriginal heritage Supreme Court decision and establish local site registers:

– Each individual City, Town or Shire needs to take the lead on compiling the list and share the information with each other. **(All)**

➤ Build capacity for Aboriginal businesses to undertake tenders, subcontracting of specific elements, etc: **(All)**

➤ Promote, market and brand regional products:

– Pilbara Regional Council with feedback from the four member Local Governments.

(Pilbara Regional Council)

➤ Support and develop the agricultural sector with investment schemes:

– Pilbara Regional Council to develop a strategy in dealing with the agricultural sector, with collaboration from four member Local Governments, and then market for investment;

(Pilbara Regional Council)

➤ Understand what the rules of engagement are for the international trade communities, cross cultural awareness training and develop policies to attract global investment:

– Pilbara Regional Council with feedback from four members Local Governments, liaise with Federal Government Departments responsible for Trade.

(Pilbara Regional Council)

COMMENTS/OPTIONS/DISCUSSIONS

Council needs to consider the input into the above action's from the outcomes report and if any action is required from the Shire of East Pilbara.

Most of the items are referred direct to the Pilbara Regional Council (PRC).

At this time it is appropriate to await advice from the PRC as to its direction on the matters.

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.

3.1 Business diversification and promotion

3.1.2 Build a thriving and diverse economy

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/244

MOVED: Cr Shane Carter

SECONDED: Cr Dean Hatwell

THAT Council defer any action on the outcomes report from the Joint Kimberley, Pilbara and Northern Territory Forum pending feedback from the Pilbara Regional Council and/or Council representatives on the Pilbara Regional Council.

**CARRIED
RECORD OF VOTE: 8 - 0**

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

**9.1.4 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER HUMAN RESOURCES**

File Ref: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The employment contract of Mr David Kular has been extended by a two year term expiring on 21st August 2017.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Policy:

Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/245

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr David Kular, Manager Human Resources for a term of two years, expiring on 20 August 2017.

**CARRIED
RECORD OF VOTE: 8 - 0**

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

**9.1.5 AFFIXING THE COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER TECHNICAL SERVICES - NULLAGINE**

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

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Technical Services – Nullagine.

BACKGROUND

The employment contract of Mr Harvey Hamersley has been extended by a two year term expiring on 30 June 2017.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.2 Foster a great place to work
 - 1.2.1 Engaged and valued workforce
Responsible officer: MHR
Timing: 1-3 years
 - 1.2.3 Plan, attract and maintain staff
Responsible officer: MHR
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/246

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Harvey Hamersley, Manager Technical Services – Nullagine for a term of two years, expiring on 30 June 2017.

**CARRIED
RECORD OF VOTE: 8 - 0**

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

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MAY 2015

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/247

MOVED: Cr Dean Hatwell

SECONDED: Cr Stephen Kiernan

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

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>people cannot use the gym while pub is closed and also people are using the gym without paying.</p> <p>Ms Sian Appleton said they are looking into this with different options eg: CRC Nullagine holding the key and taking payments for the use of the gym.</p>			
24 April 2015	9.2.9	TO REPORT ON THE CONDITION OF THE WATER PLAYGROUND AT THE NEWMAN AQUATIC CENTRE, COMMENT ON ITS COMPLIANCE AND CONSIDER OPTIONS FOR ITS FUTURE	DCEO	Report back to Council	August 2015
24 April 2015	9.2.6	CAPE KERAUDREN ACCESS FOR THE NGARLA PEOPLE	DCEO	In Agenda	June 2015
24 April 2015	9.2.7	EVENTS STRATEGY FOR PUBLIC COMMENT	MRE	In Agenda	June 2015
22 May 2015	9.2.5	NULLAGINE COMMUNITY SPACES	DCEO	Further work being undertaken as per resolution	December 2015
22 May 2015	9.2.7	REQUEST FOR REDUCTION IN RATE INCREASE (ENCOUNTER OPERATIONS PTY LTD)	RRO	In Agenda	June 2015

**CARRIED
RECORD OF VOTE: 8 - 0**

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

**9.2.2 AFFIXING COMMON SEAL TO FUNDING AGREEMENT WITH PILBARA
DEVELOPMENT COMMISSION**

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sian Appleton
Deputy Chief Executive Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To advise Council that the Common Seal has been affixed under delegated authority to the Funding Agreement between the Pilbara Development Commission and the Shire of East Pilbara with respect to the East Pilbara Arts Centre opening.

BACKGROUND

A funding application was made to PDC through their Community Chest Fund for assistance in hosting the opening of the East Pilbara Arts Centre on the 24th July 2015.

COMMENTS/OPTIONS/DISCUSSIONS

The total funding application for this project was \$16,000.00 (gst ex).

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.

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) _____

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/248

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council note that the Common Seal has been affixed under delegated authority to the Funding Agreement between the Pilbara Development Commission and the Shire of East Pilbara with respect to the East Pilbara Arts Centre opening.

**CARRIED
RECORD OF VOTE: 8 - 0**

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

9.2.3 CAPE KERAUDREN ACCESS FOR THE NGARLA PEOPLE

File Ref: A139135
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: A139135
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to formulate a position on access to Cape Keraudren by the Ngarla People.

BACKGROUND

After communication from Maclean Legal, who were acting on behalf of the Ngarla People, Council resolved at the 24th April 2015 council meeting:

THAT Council formulate a position on entry to the Cape Keraudren reserve by the Ngarla People.

COMMENTS/OPTIONS/DISCUSSIONS

After discussion with both Council's asset and procurement team and suggestions from the Ngarla People's legal representation the following process has been created:

- An application form has been created for free access
- Assessment and approval of application will be by the Asset and Procurement section
- Approval must be verified by the Chief Executive Officer
- A car sticker will be issued by the Asset and Procurement team as appropriate
- Ranger at Cape Keraudren informed of approved application.

STATUTORY IMPLICATIONS/REQUIREMENTS

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

POLICY IMPLICATIONS

8.4 ABORIGINAL AFFAIRS POLICY

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 Promote diverse, harmonious and caring communities

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

There will be a small reduction in potential income which is difficult to predict.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION:

THAT Council

- 1. Approve the process for the Ngarla People to make application to receive free entry to Cape Keraudren based on their traditional obligations to country.**

COUNCIL RESOLUTION: 201516/249

MOVED: Cr Lang Coppin

SECONDED: Cr Gerry Parsons

THAT Council

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

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

Reason for Non Acceptance of Officer's Recommendation: Council to include in the resolution No: 2.

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

9.2.4 EVENTS STRATEGY

File Ref:	REC-22-8
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr David Goodwin Manager Recreation and Events
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the adoption of the Events Strategy.

BACKGROUND

The Shire of East Pilbara (SoEP) recognises the importance of social, cultural, and recreational events as a means of ensuring that the East Pilbara communities are given the opportunity to participate in a diverse range of vibrant and stimulating events and community based activities.

This strategy contains a number of elements including the vision the Council has for events in the Shire, The Council's roles and responsibilities, the requirement for selection and evaluation criteria, as well as a number of strategies and actions.

The consultation process to date for the development of this strategy involved holding public workshops in Newman and Marble Bar, with workshops also held for Councillors and Shire staff. In addition meetings were held with key stakeholders in the Pilbara and in Perth.

The vision is to create a viable, strategically balanced calendar of events that will support community connectedness, attract visitors, and deliver social, economic, environment and community outcomes. This is a shared Shire and community vision that captures the needs of a vibrant and diverse community while at the same time delivering on the Shire's governance standards and linking to the Shire's desired strategic outcomes across a number of areas.

There are four suggested strategic outcomes that any decision pertaining to the support of events in the Shire should align with. Support can rely on a single outcome or all of them. These strategic outcomes are:

SOCIAL OUTCOMES - organisational skills, community connectedness, volunteering, group viability, education, exposure to experiences not locally available

ECONOMIC OUTCOMES - visitor spend, local spend, group income, employment creation.

ENVIRONMENTAL OUTCOMES - fit with natural environment, meet health and safety requirements, low impact on environment.

CULTURAL OUTCOMES - broadens exposure to multiculturalism, connects the community to music and the arts, exposure of Aboriginal culture and supports Aboriginal reconciliation.

The adoption of the Events Strategy will be of benefit not only to Newman, but to the whole of the Shire of East Pilbara. Potential benefits for the Shire of East Pilbara are likely to occur with the adoption of this document, as any applications for funding for events within the Shire will be required to align with this document. The funding opportunities provided by external funding bodies such as Tourism WA to run events are likely to be strengthened by the Shire having a strategic direction for events in the region.

At its meeting of 24th April 2015 Council resolved...

“THAT Council endorse the Events Strategy Report for advertising for Public comment.”

COMMENTS/OPTIONS/DISCUSSIONS

Public comments on this document were encouraged over a three week period through the display of public notices in all three towns, on the Shire website, and an advert in the North West Telegraph and closed on the 25th May 2015.

Council received six (6) sets of written comments regarding this document. As a result of analysis of the comments received by the Manger of Recreation and Events, it is requested the following amendments be made to the text of this document.

Page 5 – Table of current events to include Disability Awareness Day, Artist in residence, Horizon Expo, Newman Triathlon, Harmony Day. Photography Exhibition, boxing events and Welcome to Newman.

Page 6- Remove the Filipino Day from the list of events no longer operating and add to the table of current events on page 5

Page 13- In the SWOT table in the Threats section delete the word moral and add in the word morale

Page 17- in the 6th paragraph change the sentence “Community groups or businesses wishing to hold an event and apply for financial assistance to...

Community groups or businesses wishing to hold an event and applying for financial assistance

Page 26 - In order to be responsive to the needs of FIFO workers and to encourage their attendance at more events it is proposed to add an additional action under Strategy 1 as follows

Strategy 1 – Ensure that internal Shire processes are efficient and assist event organisers and stakeholders

Add in Item 1.7 - Initiate discussions with BHP on how to encourage FIFO workers to attend events.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.1 Increase community awareness

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/250

MOVED: Cr Dean Hatwell

SECONDED: Cr Biddy Schill

THAT Council endorse the adoption of the Events Strategy document with the changes as recommended.

**CARRIED
RECORD OF VOTE: 8 - 0**

To be actioned by Mr David Goodwin, Manager Recreational & Events.

9.2.5 AMENDED COMMUNITY ASSISTANCE GRANTS POLICY, GUIDELINES AND APPLICATION FORMS

Attachments: [Community Assistance Grants Policy.docx](#)
[Community Assistance Grants Proposed New Policy 160115.docx](#)
[Shire of East Pilbara CAG 2015-16 Draft Grant 1.docx](#)
[Shire of East Pilbara CAG 2015-16 Draft Grant 2.docx](#)
[Shire of East Pilbara CAG 2015-16 Draft Grant 3.docx](#)
[Shire of East Pilbara CAG 2015-16 Draft Grant 4.docx](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Pip Parsonson
Manager Community Wellbeing

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to amend the Community Assistance Grants Policy

BACKGROUND

The current Community Assistance Grant (CAG) policy was adopted by Council on 24 September 2010 (Item No. 9.2.3)

The policy has generally worked well since its inception and has provided significant benefits to community organisations and offered a diverse range of activities and programs to the community.

COMMENTS/OPTIONS/DISCUSSIONS

Over the past eight (8) months, there has been increasing pressure on the administration of the CAG process.

A number of issues have been identified that need to be addressed:

- The current criteria are outdated and do not reflect the dominant interests of community groups applying for support.
- The application, budget and acquittal forms are convoluted and should be simplified to reduce confusion and poorly completed applications.

- The small in-kind grant (Quick Grant) needs to be increased in line with fees and charges as the current \$300 value maximum is often insufficient.
- There is no section in the existing CAG policy that supports the budget allocation for donations to young people selected/invited to participate in sporting competitions or cultural activities.
- The current requirement that organisations that receive a CAG become ineligible to apply the following year is unnecessary and should be removed.

To counter these issues, the CAG guidelines, application form has been reviewed and amended along with the CAG policy. The major changes are,

- Changes to the selection criteria,
- Inclusion of new criteria for the youth sports/cultural grants,
- A slight increase in grant maximum amounts (Other than Grant 2 where the CEO has delegated authority to approve grants valued at under \$1,000), and
- Removing the limitation that disallows organisations from applying for a grant in consecutive years.

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.3 Implement civic engagement projects

Responsible officer: MCW

Timing: 1-3 years

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/251

MOVED: Cr Shane Carter

SECONDED: Cr Craig Hoyer

THAT Council adopt the amended Community Assistance Grant Policy.

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

To be actioned by Ms Emma Whakaruru, Coordinator Administration Officer.

9.2.6 REQUEST FOR REDUCTION IN RATE INCREASE (ENCOUNTER OPERATIONS PTY LTD)

Attachments: [Mining Statement.pdf](#)
[RE OFM15-18010 - RE Unexpected 300% Increase in Local Government Rates.msg](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sian Appleton
Deputy Chief Executive Officer

Location/Address: A202500 A202501 A202502 A202503 A202561
A202658 and A202657

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:08 AM Mr Greg Yeo, Ms Peta Asplin, Ms Dianne Few, left Chambers.

REPORT PURPOSE

For Council to reconsider a reduction in rates for seven exploration licences registered to Encounter Operations Pty Ltd effected by the change in the Department of Mines and Petroleum policy.

BACKGROUND

Council considered two applications for the reduction of rates on seven exploration licences registered to Encounter Operations Pty Limited on the 24 April 2015 and the 22 May 2015. This followed the introduction of a new rental policy by the Department of Mines and Petroleum on exploration licences as follow:

1. Non Graticular Exploration Licences increase by 236% after 7 years,
2. Graticular Exploration Licences increase by 53% after 3 years, 111% after 5 years, 300% after 7 years.

As Unimproved Value (UV) of tenements is based on rentals – a further formula is then applied by Landgate – this has meant an increase in the UV rate and subsequently the rate amount charged by the Shire of East Pilbara for properties that have been captured by this new policy.

COMMENTS/OPTIONS/DISCUSSIONS

As previously reported this change in policy led to several phone calls of complaint to this office of which only one resulted in a formal request for a reduction in their rate bill. This was received by Encounter Operations Pty Limited. Council considered these requests and passed the following motions:

At the 24th April 2015 Council meeting:

THAT Council write off \$5,736.96 on tenement A 202657 and 202658 (a total of \$11,473.92), being the amount charged on their rate assessment that is over 100% their original debt for the 14/15 year.

At the 22nd May 2015 Council meeting:

THAT Council write off \$4,901.96 for assessment A202500, \$1,425.62 for assessment A202501, \$6,410.25 for assessment A202502, \$2,262.45 for assessment A202503, and \$2,545.28 for assessment A202561 (a total of \$17,545.56), being the amount charged on their rate assessments that is over 100% of their original debt for the 2014/2015 year.

A further request has been received from Encounter Operations Pty Ltd to reconsider Council's decision and further reduce the increase in rates owing to this change in policy. The email is attached for Council's information.

Encounter Operations state the following to validate their request:

Encounter Resources operates its exploration activities in the Great Sandy Desert, and on Martu Lands, far removed from most of the services provided by the Shire. Regardless of our activities being located a vast distance from most Shire services, the Company has been a long term rate payer and has paid rates to the Shire in excess of \$115,000 since 2008. The majority of Encounter's exploration licences that are more than seven years old. Accordingly, as a result of our long term commitment to the region, and the time consuming frontier exploration that we undertake, we are particularly harshly stung by the actions of the Shire in relation to the UV changes of August 2014.

In a very difficult market, Encounter Resources has reluctantly been forced to reduce its workforce by 40% this year as we endeavour to survive the current downturn and continue our grassroots exploration activities. If we are successful in exploration, the result will be long term, enduring rateable assets and employment in the Shire of East Pilbara.

The company pays considerable compensation and support to the Martu and has done so over the last 8 years. In addition, Encounter is currently having discussions with the Martu about voluntary support to a proposed Curtin University/Martu pilot health initiative in two of the communities. It is very difficult to provide support at this time but we do consider these to be important matters that should be supported as best as they can through market cycles.

As detailed previously, the company did not budget for a 300%, or a 100% increase, in Shire rates. It is clear that the Shire did not budget on this additional, one off revenue either. The Shire states that it endeavours to keep rate annual increases in the 3-4% range to provide certainty to their ratepayers. Encounter cannot simply absorb a one off 100% increase in Shire rates. An exploration company has no revenue and relies on the support of currently severely depressed capital markets for funding. As such the proposed unbudgeted, arbitrary 100% rating increase for the 2014/15 year could not come at a worse time and the Shire's one off gain will simply

and unfortunately come at the expense of other remaining non-discretionary expenditure.

I ask that the Shire reconsiders this matter again in the interest of reasonableness, equity and fairness.

The media statement issued by the Ministers of Mines and Petroleum and Regional Development and Lands has again been attached stating that these anomalies will be removed for the 2015-16 year.

Even with Council's write off previously allowed Encounter Operations Pty Limited would be required to pay \$14,847.86 in additional rates

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 4 - General financial provisions) 6.12. Power to defer, grant discounts, waive or write off debts (pg 217)

(1) Subject to subsection (2) and any other written law, a local government may –

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

Which is owed to the local government.

* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

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

On the premise the recommendation is adopted the reduction of potential income totals \$43,667.34 being the total amount of the increase. This amount has not been allowed for in the budget.

The increase of rates for the seven tenements is as follows:

A202500	Original Rate	\$2,362.89
	New Rate	\$9,627.74
	Difference	\$7,264.85
	New Rate (less write off)	\$4,725.78
A202501	Original Rate	\$590.60
	New Rate	\$2,406.82
	Difference	\$1,816.22
	New Rate (less write off)	\$1,181.20
A202502	Original Rate	\$3,089.94
	New Rate	\$12,590.13
	Difference	\$9,500.19
	New Rate (less write off)	\$6,179.88
A202503	Original Rate	\$1,090.56
	New Rate	\$4,443.57
	Difference	\$3,353.01
	New Rate (less write off)	\$2,181.12
A202561	Original Rate	\$1,226.85
	New Rate	\$4,998.98
	Difference	\$3,772.13
	New Rate (less write off)	\$2,453.70
A202658	Original Rate	\$3,243.51
	New Rate	\$12,223.98
	Difference	\$8,980.47
	New Rate (less write off)	\$6,487.02
A202657	Original Rate	\$3,243.51
	New Rate	\$12,223.98
	Difference	\$8,980.47
	New Rate (less write off)	\$6,487.02

Council's previous recommendation would have meant a reduction of potential rates of \$28,819.48.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION:

MOVED: Cr Dean Hatwell

THAT Council write off the entire increase in rates for Encounter Operations Pty Limited owing to the changes in the Department of Mines and Petroleum policy set out below:

A202500	Write off	\$7,264.85
A202501	Write off	\$1,816.22
A202502	Write off	\$9,500.19
A202503	Write off	\$3,353.01
A202561	Write off	\$3,772.13
A202658	Write off	\$8,980.47
A202657	Write off	\$8,980.47
A total of		<u>\$43,667.34</u>

MOTION LAPSED DUE TO THE LACK OF A SECONDER

COUNCIL RESOLUTION: 201516/252

MOVED: Cr Dean Hatwell

SECONDED: Cr Stephen Kiernan

THAT Council reconfirm motions for item 9.2.10 of the 24th April 2015 and item 9.2.7 of the 22nd May 2015.

ITEM 9.2.10 OCM24042015

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/207

THAT Council write off \$5,736.96 on tenement A 202657 and 202658 (a total of \$11,473.92), being the amount charged on their rate assessment that is over 100% their original debt for the 14/15 year.

ITEM 9.2.7 OCM22052015

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/229

THAT Council write off \$4,901.96 for assessment A202500, \$1,425.62 for assessment A202501, \$6,410.25 for assessment A202502, \$2,262.45 for assessment A202503, and \$2,545.28 for assessment A202561 (a total of \$17,545.56), being the amount charged on their rate assessments that is over 100% of their original debt for the 2014/2015 year.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 7 – 0**

Reason for Non Acceptance of Officer's Recommendation:

Council felt this was appropriate outcome in line with previous decisions that no one would be required to pay more than 100% of the original debt.

To be actioned by Ms Tracy Poole, Rates Revenue Finance Officer.

9.2.7 PURCHASING AND TENDER PROCEDURES POLICY UPDATE

File Ref: FIN 10-12
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Candice Porro
Senior Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The purchasing and Tender Procedures 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 of the inclusion of Senior Supervisor – Newman Recreation Centre Facilities having authorisation to raise purchase orders up to the value of \$2,000.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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
9.2.6 30 January 2015

9.2.11 6 March 2015

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
- Asset and Procurement Administration Officer
- Marble Bar Mechanic
- Community Wellbeing Administration Officer
- ***Senior Supervisor – Newman Recreation Centre Facilities***

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.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management

1.1.3 Effective business management

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/253

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

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

**CARRIED
RECORD OF VOTE: 8 - 0**

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

10.12 PURCHASING AND TENDER PROCEDURES

Minute No:	Item 9.1.6
Date:	27 th June 2003
	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
9.2.6	30 January 2015
9.2.11	6 March 2015
9.2.7	26 June 2015

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.

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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
- Asset and Procurement Administration Officer
- Marble Bar Mechanic
- Community Wellbeing Administration Officer
- Senior Supervisor – Newman Recreation Centre Facilities

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

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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.

9.2.8 ANNUAL REVIEW OF POLICY MANUAL

File Ref:	LEG-2-1
Attachments:	Policy Manual 2015-2016.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Emma Whakaruru Coordinator Administration Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the 2015 Policy Manual including four minor policy changes.

BACKGROUND

Council last reviewed the Policy Manual on 27 June 2014. Since the last review, up to and including the Council meeting held 22 May 2015, Council has resolved to make 3 policy amendments and adopted 1 new policy.

COMMENTS/OPTIONS/DISCUSSIONS

1. Policies relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.
2. The objectives of the Council's Policy Manual are:
 - a) To provide Council with a formal written record of all policy decisions
 - b) To provide staff with precise guidelines in which to act in accordance with Council wishes;
 - c) To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
 - d) To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
 - e) To enable Councillors to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
 - f) To enable residents and ratepayers to obtain immediate advice on matters of Council Policy.
3. Changes to council Policy shall be made only on:
 - a) Notice of motion; or
 - b) An agenda item clearly setting out details of the amended policy; or
 - c) At the annual review of Council's Policy Manual, subject to verification from the Chief Executive Officer.

Although the *Local Government Act 1995* ("the Act"), s2.7 specifically mentions the making of policies as a role of the Council, there is no definition of "Policy" in the Act.

A suitable definition would appear to be:

Policy

A general rule to be applied in the exercise of a function (power or duty) and includes a statement of conditions under which an authorisation may, or is to be, given or withheld.

In that it is a “rule” it can be regarded as the fourth layer in a legislative hierarchy, i.e.

- Acts of Parliament
- Regulations
- Local Laws
- Policies

The Act states that Council’s role is defined as:

- 1) *“The Council –
(a) Governs the local government’s affairs; and
(b) is responsible for the performance of the local government’s functions.*
- 2) *Without limiting subsection (1), the Council is to –
(a) Oversee the allocation of the local government’s finances and resources; and
(b) Determine the local government’s policies”*
“Section 3.1 provides that the general function of local government is:
 - 1) *The general function of a local government is to provide for the good government of persons in its district.*
 - 2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
 - 3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government. “*

Taking the above information into consideration three manuals have been developed, those being:

1. The Policy Manual
2. The Authorisations and Delegations Manual; and
3. The Chief Executive Officer’s Operation Manual.

The aim of the manuals is to ensure a consistent response in dealing with people be they residents, councillors, staff, ratepayers, contractors, visitors or any other individual or organisation with a relationship with the Council.

The following policies have been adopted by Council in the 2014/2015 financial year and included in the Policy Manual:

AGENDA ITEM	RESOLUTION	NOTE
30 January 2015		
9.2.6	201415/145	Purchasing and Tender Procedures Update
6 March 2015		
9.2.11	201415/173	Purchasing and Tender Procedures Update
11.1	201415/185	New Policy – Junior Community and Sporting Organisations Assistance Policy
24 April 2015		
9.2.5	201415/202	Amendment to staff electricity subsidy.

The following policies have been updated with minor changes as part of the Annual Review of the Policy Manual:

AGENDA ITEM	COMMENT	NOTE
26 June 2015		
Annual Review Policy Manual	Minor changes to comply with Building Regulations 2012; <ul style="list-style-type: none"> • Building License to Building Permit • Not exceeding 15m to not exceeding 10m • Maximum height of 2.1m to maximum height of 2.4m • Add to References: Building Regulations 2012 	Free Standing Garden Sheds
	Minor change; <ul style="list-style-type: none"> • Building Licence to Building Permit 	Relocated Buildings
	Minor changes to comply with Building Act 2011; <ul style="list-style-type: none"> • Building License to Building Permit • Approved by council from time to time to provided by the Building Act 2011 • Add to References: Building Act 2011 	Sea Containers
	Minor change; <ul style="list-style-type: none"> • ANZAC Day month from January to April 	Council Supported/ Recognised Events of Community Interest

A draft copy of the 2015 Policy Manual is included under separate cover. Minor amendments to policies have been made as detailed above.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

To be reviewed, updated and adopted annually.

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: 201516/254

MOVED: Cr Dean Hatwell

SECONDED: Cr Stephen Kiernan

THAT Council adopt the 2015 Policy manual as presented.

**CARRIED
RECORD OF VOTE: 8 - 0**

To be actioned by Ms Emma Whakaruru, Coordinator Administration Officer

9.2.9 MONTHLY FINANCIAL STATEMENTS - MAY 2015

File Ref:	FIN-23-10
Attachments:	May 2015 Variance Report.doc Monthly Financial Statements - May 2015.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 17-page report details the financial activities of the Council for the period May 2015 of the 2014/2015 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/255

MOVED: Cr Lang Coppin

SECONDED: Cr Shane Carter

That the monthly financial statements for the period May 2015 of the 2014/2015 financial year as presented be received.

**CARRIED
RECORD OF VOTE: 8 - 0**

To be actioned by Ms Candice Porro, Senior Finance Officer

9.2.10 CREDITORS FOR PAYMENT

File Ref: FIN10-2
Attachments: [Schedule of Accounts EFT.pdf](#)
[Schedule of Accounts Chq.pdf](#)
[Schedule of Accounts Manual Chq.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Jeanette Bessell
Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 22nd May 2015.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT28455 – EFT28953	\$4,595,176.34
	Total	\$4,595,176.34
Cheque Payments	CHQ23543 – CHQ23613	\$154,962.34
Manual Cheque Payments	CHQ232 – CHQ237	\$24,814.45
	Total	\$179,776.79
	GRAND TOTAL	<u>\$4,774,953.13</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
CHQ235

CANCELLED CHEQUES & EFTS
EFT28537 and EFT28628

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 \$4,774,953.13

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/256

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT28455 – EFT28953	\$4,595,176.34
	Total	\$4,595,176.34
Cheque Payments	CHQ23543 – CHQ23613	\$154,962.34
Manual Cheque Payments	CHQ232 – CHQ237	\$24,814.45
	Total	\$179,776.79
	GRAND TOTAL	<u>\$4,774,953.13</u>

CARRIED
RECORD OF VOTE: 8 - 0

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

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - MAY 2015

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

11:33 AM Mr Allen Cooper left Chambers.
11:38AM Mr Allen Cooper returned to the Chambers
11:40 AM Cr Stephen Kiernan 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.

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: 201516/257

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2014	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS CEO DCEO	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and marked points of interest for future tourist mapping. Executive to allocate resources to develop themes and seek funding	Pending
30 January 2015	13.5	MARBLE BAR HOUSE NUMBERING Cr Dean Hatwell asked for an update regarding the house numbers.	DTDS TSAO	Plates Received. Draft brochure complete. Will promote in July.	July 2015
6 March 2015	13.15	TAXI STAND – TOWN CENTRE Cr Anita Grace asked if the taxi stand can be moved as she felt it is in the wrong location. Sometimes there are many people waiting and they sit on the road causing more problems with commuters walking and driving.	DTDS	On Hold President Lynne Craigie to speak to EPIS about providing a pick up and drop off service.	June 2015

**CARRIED
RECORD OF VOTE: 7 - 0**

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

9.3.2 NEWMAN TOWN CENTRE CROWN LAND ACTIONS

File Ref:	A417557
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Adam Majid Manager Development Services - Planning
Location/Address:	Newman Town Centre
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

Due to minor changes, Council's further consideration is required In relation to Crown Land within the town centre to facilitate further developments as planned.

BACKGROUND

Council previously considered the widening of Lee Lane at its meeting held in September 2014 where it was proposed and accepted to excise 862m² from Reserve 38771 being the current Car Parking Reserve and location of the planned Town Square.

Additionally, Council at its meeting of April 2015 considered the excision of 3361m² from Car Park Reserve 38771 for the purposes of the Town Square Development.

Since the above resolutions have been made, additional planning has resulted in the requirement to modify the proposed road widening which in turn affects the proposed Town Square site. The changes are only very minor; however, they require an additional Council resolution to satisfy the requirements of Department of Lands.

COMMENTS/OPTIONS/DISCUSSIONS

As previously reported, Reserve 38771 has a current total area of 7319m². As per the above, it was proposed to excise 862m² for the required widening of Lee Lane and 3361m² for the Town Square site.

Due to revised utility planning, there is now a requirement to truncate the north-west corner of the proposed Town Square site to ensure electrical works are captured within the road reserve. This modifies the previous proposals by slightly increasing the size of the road widening and in turn reducing the size of the town square. Accordingly, the results are as follows:

- 867m² for the widening of Lee Lane;
- 3356m² for the proposed new Town Square Reserve; and
- The balance of Reserve 38771 unchanged from previous reports at a total area of 3958m².

All other actions previously proposed and resolved remain unchanged. Therefore, it is requested that Council resolve to accept the proposed minor changes and resolve accordingly to allow Department of Lands to process and approve such requests.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997.

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: 201516/258

MOVED: Cr Lang Coppin

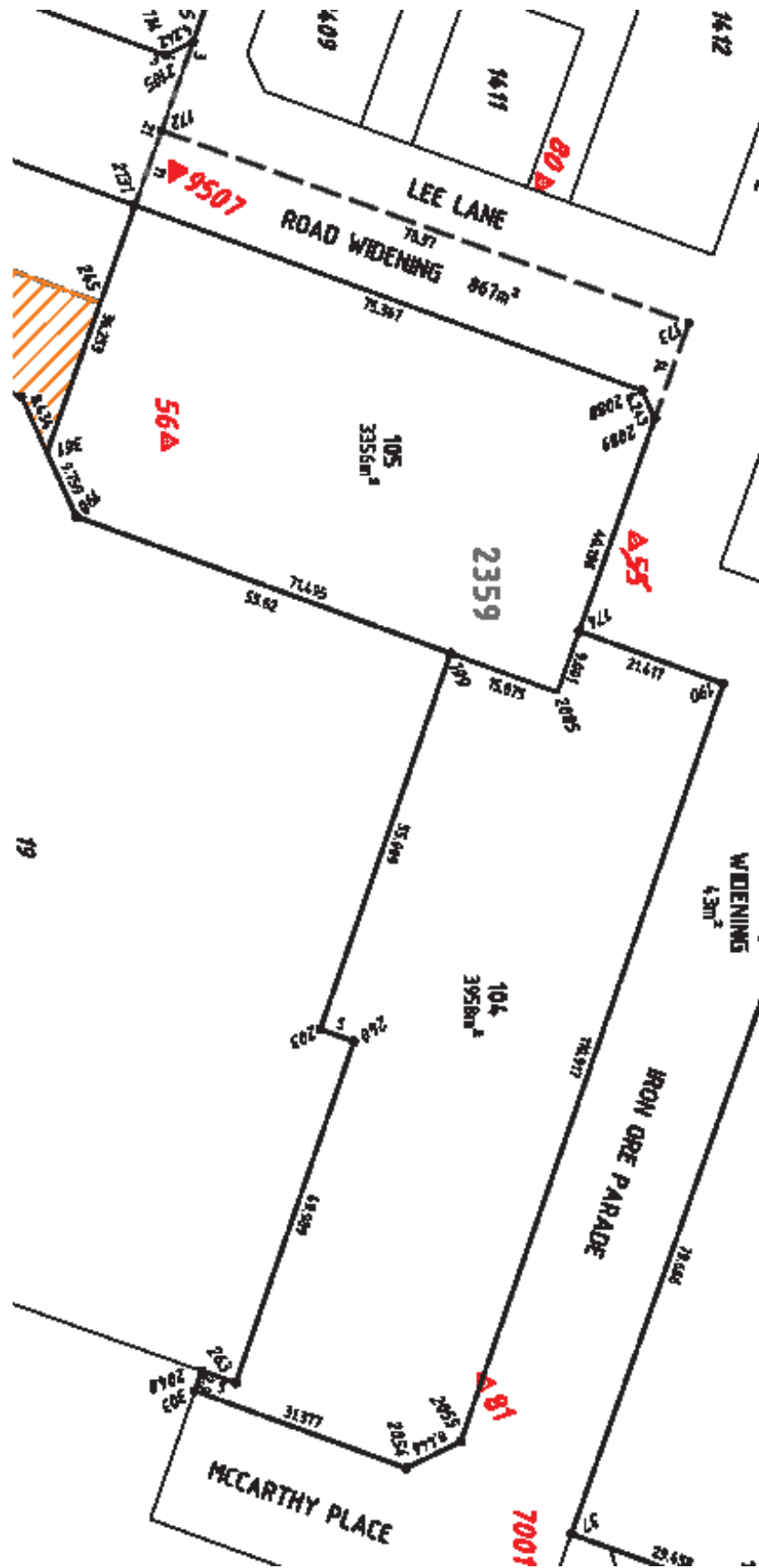
SECONDED: Cr Dean Hatwell

THAT Council:

1. Relinquish management orders of Reserve 38771 Car Parking Reserve;
2. Request the Minister for Lands to excise 867m² from Reserve 38771, as shown on the attached plan, for the purposes of widening Lee Lane and including such excised land into the existing Lee Lane road reserve and accept new management over such road;
3. Request the Minister for Lands to excise 3356m² from Reserve 38771, as shown on the attached plan, to create a new Reserve for the purposes of 'Park', 'Civic' and 'Cultural' purposes and advise that Council accepts new management orders accordingly;
4. Request the Minister for Lands to issue new management orders for the remaining 3958m² of Reserve 38771, as shown on the attached plan, for the purpose of 'Car Parking' and advise that Council accepts such new management orders.

CARRIED
RECORD OF VOTE: 7 - 0

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



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 PUBLIC NOTICE OF DIFFERENTIAL RATING AGENDA REPORT BE ACCEPTED AS ITEM 11.1.1

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/259

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT the Public Notice of Differential Rating be accepted as item 11.1.1.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 7 - 0**

11.1.1 PUBLIC NOTICE OF DIFFERENTIAL RATING

File Ref: FIN-22-7
Attachments: [Landgate letter.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:44 AM Cr Stephen Kiernan returned to the Chambers

11:46 AM Mr Werna Schill left Chambers

REPORT PURPOSE

For Council to consider the continued implementation of our current differential rating categories and to endorse the giving of public notice of its intention to impose differential rate categories with the adoption of the 2015/2016 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 2015/2016 budget advertising must be undertaken.

At the April council meeting Council resolved:-

THAT Council

1. Support in principle the following differential rates, subject to the finalisation of the 2015/2016 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	1.7521	\$650
Gross Rental Value – Town Centre	4.2362	\$650
Gross Rental Value – Nullagine Townsite	7.5373	\$400
Gross Rental Value – Transient Workforce Accommodation	3.3661	\$650
Gross Rental Value – Other	1.8214	\$650
Unimproved Value – Pastoral/Special Leases	4.6477	\$200
Unimproved Value – AML Leases	18.229	\$200
Unimproved Value – Mining Leases	18.229	\$200
Unimproved Value – General Leases	18.229	\$200
Unimproved Value – Petroleum Leases	18.229	\$200
Unimproved Value – Exploration Leases	16.042	\$200
Unimproved Value – Prospecting Leases	16.042	\$200

2. Give local public notice of its intention to implement differential rating in 2015/2016.
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 2015/2016 financial year

This was based on a 3% yield above last year's income.

On the 13th March 2015 Council received information regarding the Valuation of Land Amendment Bill 2015. This letter is attached for information.

The correspondence states that we would be provided shortly with new values to assist in rate modelling. We have since received these indicative values and further correspondence stating –

“As this takes some time for us to implement this into our system, we have come up with a spreadsheet as a guide that you can use to remodel your rates accordingly if necessary. Please note that this is just a guide and that any changes to the tenement after this data was extracted may effect the value again.

Please find attached a spreadsheet with the “proposed changes” that will occur within your shire due to the legislation changes on certain tenements.”

On the 14th May 2015 Council received new valuations for GRV properties with residential values decreasing by 47.76% on average and commercial decreasing by 60.99% on average.

On the 19th May 2015 Council received changes to pastoral UV values. Correspondence from Landgate stated -

“Rents for Pastoral Leases have recently been reviewed and have resulted in significant changes to the UVs. Leases on minimum rent will see an increase in the UV due to an increase in the minimum rent charged, whilst other Pastoral Leases may show a significant reduction in UVs due to reduced rents charged.”

Accordingly for Council to still achieve the 3% yield increase of rates raised for each category, significant changes needed to be made to the rate in the dollar amounts. These are reflected in the below table. Although the intent is to gain a 3% increase of last year's rate income for each category it must be noted that individual properties have not changed consistently therefore producing some significant increases and some significant decreases for some assessments.

	Rate in \$	Minimum
Gross Rental Value – Industrial	1.7521	\$650
Gross Rental Value – Town Centre	4.5750	\$650
Gross Rental Value – Nullagine Townsite	10.627	\$400
Gross Rental Value – Transient Workforce Accommodation	9.8290	\$650
Gross Rental Value – Other	3.4242	\$650
Unimproved Value – Pastoral/Special Leases	6.0420	\$200
Unimproved Value – AML Leases	18.229	\$200
Unimproved Value – Mining Leases	18.229	\$200
Unimproved Value – General Leases	18.229	\$200
Unimproved Value – Petroleum Leases	18.229	\$200
Unimproved Value – Exploration Leases	28.880	\$200
Unimproved Value – Prospecting Leases	28.880	\$200

Further to these significant changes in the rate in the dollar and given the advice received by the Department of Local Government it was decided that the differential rates should be advertised again. This took place on the 20th June 2015.

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: 201516/260

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

THAT Council

1. Support in principle the following differential rates, subject to the finalisation of the 2015/2016 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	1.7521	\$650
Gross Rental Value – Town Centre	4.5750	\$650
Gross Rental Value – Nullagine Townsite	10.627	\$400
Gross Rental Value – Transient Workforce Accommodation	9.8290	\$650
Gross Rental Value – Other	3.4242	\$650
Unimproved Value – Pastoral/Special Leases	6.0420	\$200
Unimproved Value – AML Leases	18.229	\$200
Unimproved Value – Mining Leases	18.229	\$200
Unimproved Value – General Leases	18.229	\$200
Unimproved Value – Petroleum Leases	18.229	\$200
Unimproved Value – Exploration Leases	28.880	\$200
Unimproved Value – Prospecting Leases	28.880	\$200

2. Endorse the local public notice given of Council's intention to implement differential rating in 2015/2016.
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 2015/2016 financial year

CARRIED
RECORD OF VOTE: 8 - 0

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



Our Ref:
Enquiries:
E-mail:

File # 00785-2015 Phil Edwards GJJB
Mr Phil Edwards Tel. (08) 9273 9454
phil.edwards@landgate.wa.gov.au

PROPERTY & VALUATION SERVICES

Chief Executive Officer
Shire of East Pilbara
PMB 22
NEWMAN WA 6753

VALUATION OF LAND AMENDMENT BILL 2015 - SECTION 4 - UNIMPROVED VALUE

Mining, petroleum and geothermal industries have recently experienced significant increases in annual rents and fees applying to mineral exploration licences, petroleum/geothermal permits and drilling reservations. These annual rents and fees are set by the Department of Minerals and Petroleum (DMP).

On 10 February 2006, an escalating rent scale came into effect for mineral exploration licences, with rents increasing in the fourth, sixth and eighth year of their term for a four-fold overall increase for graticular leases and for non-graticular leases by more than 3 times in year 8. The full effect of the increased rentals was felt by those tenement holders entering the eighth year of their leases during 2013-14.

DMP also approved petroleum and geothermal permit fee increases in accordance with the State Government's full cost recovery for service principles, whereby the annual fees increased 8-fold over the period 1 July 2012 to 1 July 2014. In each case DMP advises that it was an unintended consequence that the full force of the escalating rents and fees should be reflected in the UVs.

This sharp increase in annual rents and fees has flowed directly into the UVs which are required to be determined annually according to formulae contained within Section 4 of the *Valuation of Land Act 1978*.

The UVs of mining, petroleum and geothermal tenements are determined by applying a prescribed multiplier against the annual rent or fee charged from year to year. Previously the annual rents of all tenements were fixed at a 'year one' rate and generally only increased by CPI.

The recent changes by DMP don't include the annual rents of mining leases, petroleum & geothermal retention leases and petroleum & geothermal production licences, meaning that the UVs are unaffected and remain at fair levels. However the long term relativities between the UVs of 'production leases' and exploration licences/permits have changed dramatically to the extent that the UVs of the latter are considered to be increasingly excessive and unfair.

Western Australian Land Information Authority ABN 86 574 793 858
1 Midland Square, Midland Western Australia 6056
Postal Address: PO Box 2222, Midland Western Australia 6936
Tel (08) 9273 7373 TTY (08) 9273 7571 Email: vs@landgate.wa.gov.au
Web: www.landgate.wa.gov.au



DMP has advised that as the rents reflect full cost recovery principles there is no likelihood of them being reduced. Accordingly there is only one remedy to remove the significant distortions now existing in the UVs and that is to urgently amend the VLA with effect from 30 June 2015 to allow for more equitable valuations to be released on the valuation roll provided to you for rating purposes.

On 3 March 2015 Cabinet approved a joint Cabinet Submission by Ministers Redman and Marmion to draft and print the necessary amendments to the *Valuation of Land Act 1978* to realign the relativities in value for these tenements to as close as possible to those existing in 2012 before the full effect of the rent increases started impacting on UVs.

In essence the respective clause applying to exploration licences will be amended to a 2.5 times multiplier of the **first year's** rental, meaning that relativity existing between the UVs of exploration licences will be reinstated and values returned to reasonable levels.

In the case of petroleum/geothermal permits and drilling reservations, the multiplier used to determine UV will be reduced from 5 times to **one times** the annual rent. In the latter case while this results in a 60% increase in UV over 2012 levels, it is off a relatively low base. The current methods applying to mining leases, petroleum/geothermal production licences and retention leases remain unchanged.

~~Analysis of the 2012 and 2014 UV rolls indicates that the changes may have moderate impact in the 2015 roll due to the number of these tenements within your local government district.~~ To assist, a summary of the 2012 and 2014 UV rolls showing the breakdown of the UVs of the different tenement types compared to the total UV is being prepared. This will be provided to you shortly. It is proposed to provide a similar summary at the time the 2015 roll is produced to assist you with rate modelling.

If you require additional information please contact the undersigned.

Phil Edwards
Chief Valuer Country
Phone (08) 9273 9454
Email: phil.edwards@landgate.wa.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to read "Graham Jeffery".

GRAHAM JEFFERY
ACTING VALUER-GENERAL
DIRECTOR OF PROPERTY AND VALUATION SERVICES
LANDGATE

13 March 2015

11.2 AIRPORT AVIATION FEES AND CHARGES – SCREENING FEE

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/261

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT the Airport Aviation Fees and Charges – Screening Fee be accepted as item 11.2.1

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

11.2.1 AIRPORT AVIATION FEES AND CHARGES – SCREENING FEE

File Ref: FIN-23-10
**Responsible Officer: Mr Rick Miller
Director Technical and Development Services**
**Author: Mr Salomon Kloppers
Manager Development Airports**
Proposed Meeting Date: 26 June 2015
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's approval for the amended Screening Fee as part of the 2015/16 Airport Aviation Fees and Charges (A-F&C).

BACKGROUND

At the Ordinary Council meeting held 6 March 2015 it was resolved:

That Council:

- **Approves the reviewed and amendments to Newman Airport Aviation Fees and Charges for implementation effective 01 July 2015 as set out below.**

Function 12 – Transport FY2015-16		
Aerodromes		
Landing Fees		
All landing aircraft 10,000kg MTOW and above	22.10	Per 1,000 Kg Pro-Rata
All landing aircraft 5,000 - 10,000kg MTOW	15.13	Per 1,000 Kg Pro-Rata
All landing aircraft up to 5,000kg MTOW	11.76	Per 1,000 Kg Pro-Rata
Aircraft exempted from Landing Fees	Free	As Approved By The CEO
Scheduled Services Discount	35%	Off the per tonnage rate
Resident Operators Discount	35%	Off the per tonnage rate

New Route Concession	35%	Off the per tonnage rate
Minimum monthly charge per invoice	11.00	
Apron Parking Fees		
All aircraft up to 5,000kg MTOW	9.16	Per date or part thereof
All aircraft > 5,000kg MTOW	2.61	Per 1,000 kg Pro-Rata, Per Day or part thereof
Scheduled Services Discount	35%	Off the per tonnage rate
Resident Operators Discount	35%	Off the per tonnage rate
New Route Concession	35%	Off the per tonnage rate
Airside Escort Duties Standard Rate (If not on duty and weekend O/T rate multiplier applies)	90.00	Per hour: minimum charge 30 minutes with 15 minute increments
Passenger Service Charge		
Departing	22.49	Per passenger
Arriving	22.49	Per passenger
New Route Concession	11.00	Per passenger
Children Under 2 years of age	Free	
Transit Passengers	Free	
Screening Fees		
Departing Passengers Over 2 years of age	10.04	All RPT Flights to be screened. All Non-RPT flights of MTOW>20,000 kgs to be screened

- **That Aviation Fees and Charges be reviewed annually by at least the current Perth CPI, including other external factors impacting on the Business Plans, effective 1 July of the applicable FY.**
- **That notice of the adopted fees be advertised pursuant to section 6.19 Local Government Act 1995.**
- **That such fees and charges be included in Council's FY2015/16 budget.**

COMMENTS/OPTIONS/DISCUSSIONS

Screening Fees for the period ending June 2015 were approved by Council on 31 January 2014 (**RESOLUTION: 201314/211**). This was based on a number of assumptions regarding factors such as passenger numbers and costs.

During March 2015 a Council agenda item for increasing fees at the Airport was adopted by Council to adjust the screening fee to take in to account increased costs and a reduction of passenger numbers.

At the time of calculating this fee, data in relation to underrecovery was not available and therefore not included.

With the first full year of recouping costs for provision of Screening coming to an end in May 2015, it is the time to reconcile screening fees and calculate the over or under recoupment.

The following table summarises the differences:

Cost item	Expected	Actual cost	\$ recovered from passengers
Operating, equipment & site lease costs	\$308,096.91	\$277,421.35	-
Total Staffing Contract costs	\$1,448,987.30	\$1,525,591.35	-
Total cost to be recovered	\$1,757,084.21	\$1,803,012.70	\$1,729,468.46
Amount to be recovered still			-\$73,544.24

The table shows an amount of \$73,544.24 was under recovered.

The Shire can recover this amount in two ways:

1. The first is to invoice the various carriers. In consultation with the major carriers they have indicated their inability to deal with this method as passengers that have in effect paid too little for screening services cannot be invoiced in retrospect up to a year after the flight.
2. The second method is to add the under recovery to the next years screening fee and gradually recover that. This way will be easy to manage for the Shire, and airlines have passengers that it can be recouped from. This is the preferred method.

We provide the airlines about 3 months' notice to allow them to work fees into ticket prices. An increase in the fee would be scheduled to be implemented on 1 October 2015, leaving 9 months for the recoupment during the 2015/16 financial year.

If it is assumed that passenger numbers remain flat, and half of all passengers will be departing, then the screening fee adjustment will be \$0.61 per passenger including GST.

The following table is a summary of airport screening fees:

Fee Type	Status	Financial Year	Date Implementation	Amount Inc GST
Screening Fee	In place	2014/15	1/07/14	\$ 9.23
Screening Fee	Adopted	2015/16	1/07/15	\$10.04
Screening Fee	Proposed	2015/16	1/10/15	\$10.65

POLICY IMPLICATIONS

3.4 BUDGET AMENDMENTS

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/262

MOVED: Cr Shane Carter

SECONDED: Cr Lang Coppin

That Council:

- **Approve the review and amendments to Newman Airport Aviation Fees and Charges for implementation effective 01 October 2015 as set out below:**

Function 12 – Transport FY2015-16	GST inc	Description
Screening Fees	\$10.65	
Departing Passengers Over 2 years of age		All RPT Flights to be screened. All Non-RPT flights of MTOW>20,000 kgs to be also charged screening fee.

- **That notice of the adopted fees be advertised pursuant to section 6.19 Local Government Act 1995.**
- **That such fees and charges be included in Council's FY2015/16 budget.**

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mr Salomon Kloppers, Manager Development Airports

**11.3 REQUEST TO LEAVE EAST WARD VACANCY HELD BY CR KEVIN
DANKS UNFILLED UNTIL THE ORDINARY ELECTION OCTOBER 2015**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/263

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the request to leave East Ward vacancy held by Cr Kevin Danks unfilled until the ordinary election October 2015 be accepted as item 11.3.1

**CARRIED
RECORD OF VOTE: 8 - 0**

**11.3.1 REQUEST TO LEAVE EAST WARD VACANCY HELD BY CR KEVIN
DANKS UNFILLED UNTIL THE ORDINARY ELECTION OCTOBER 2015**

File Ref: CLR 2-5
**Responsible Officer: Mr Allen Cooper
Chief Executive Officer**
**Author: Mr Allen Cooper
Chief Executive Officer**
Proposed Meeting Date: 26 June 2015
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:51 AM Mr Rick Miller left Chambers.

REPORT PURPOSE

That Council confirm the holding of the East Ward extra ordinary election to be held over to the ordinary Election Day in October 2015.

BACKGROUND

Following the unexpected passing of Cr Kevin Danks approval was sought from the WA Electoral Commissioner in accordance with the Local Government Act 1995 to hold over the extra ordinary election required to fill the vacancy until the ordinary election to be held on the third Saturday in October 2015 (17/10/2015).

Approval to defer the vacancy was received from the Western Australian Electoral Commission on the 22nd June 2015.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

LGA 4.16 (4) of Local Government Act 1995.

Division 6 — Postponement and consolidation of elections

4.16. Postponement of elections to allow consolidation

- (1) This section modifies the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.
- (2) If a member's office becomes vacant under section 2.32 (otherwise than by resignation) on or after the third Saturday in July in an election year and long enough before the ordinary elections day in that year to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (3) In the case of a member's office becoming vacant under section 2.32 by resignation, if —
 - (a) the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and
 - (b) the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with,

any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.

- (4) If a member's office becomes vacant under section 2.32 —
 - (a) after the third Saturday in January in an election year; but
 - (b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

[Section 4.16 amended by No. 66 of 2006 s. 7; No. 2 of 2012 s. 11.]

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Will be conducted in the 2015/2016 financial year.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/264

MOVED: Cr Stephen Kiernan

SECONDED: Cr Shane Carter

THAT Council

1. Confirm that the extra ordinary election for a vacancy in the East Ward be held over to the 2015 ordinary election to held on the 17th October 2015.

CARRIED
RECORD OF VOTE: 8 - 0

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



WESTERN AUSTRALIAN Electoral Commission

LGE 282

Mr Allen Cooper
Chief Executive Officer
Shire of East Pilbara
PMB 22
NEWMAN WA 6753

EAST PILBARA SHIRE NEWMAN OFFICE RECEIVED 22 JUN 2015	
Officer #1 <u>CEO</u>	Officer #2 _____
File #1 <u>CLR-4-1</u>	File #2 _____
Record # <u>ICR15-25048</u>	_____

Dear Mr Cooper

Request to Leave Vacancy Unfilled

I refer to your letter dated 8 June 2015 in which you advised of the death of Councillor Kevin Danks and your subsequent request to seek my agreement that the vacancy remain unfilled until the October 2015 ordinary elections.

I have considered the information provided in your correspondence and advise that approval is given under section 4.16(4) of the *Local Government Act 1995* to defer filling this vacancy.

Should you require any further information please contact Phil Richards, Manager Local Government Elections on 9214 0443.

Yours sincerely

David Kerslake
ELECTORAL COMMISSIONER

18 June 2015

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

Nil

13 GENERAL BUSINESS

13.1 LIGHTS AT RSL PARK

Cr Stephen Kiernan said the lights at the RSL Park are not working.

The CEO advised that all endeavours will be made to have the lights working before the Marble Bar Cup Day 04/07/2015.

13.2 WATER FOUNTAIN MARBLE BAR SKATE PARK

Cr Stephen Kiernan asked if a water fountain can be installed at the skate park in Marble Bar.

Director Technical and Development Services to follow up.

13.3 NORTHERN AUSTRALIA WHITE PAPER

Cr Lang Coppin asked for a letter of support be sent regarding the Northern Australia White Paper.

CEO responded this will be considered for Council in the future.

13.4 MARBLE BAR HERITAGE TRAIL

Cr Dean Hatwell said the heritage trail signs are in poor condition and if it is possible for these to be replaced and updated.

Director Technical and Development Services to follow up.

14 DATE OF NEXT MEETING

24th July 2015, Newman

15 CLOSURE

12:16PM