



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, SATURDAY, 28 JULY 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Shane Carter
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

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 and Development
Services
Executive Administration Officer

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes June 22 2012 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 22 June 2012, be confirmed as a true and correct record of proceedings.

7.2 CONFIRMATION OF PILBARA REGIONAL COUNCIL MINUTES

[Minutes July 3rd 2012 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Pilbara Regional Council held on 3rd July 2012, be received.

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8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - JUNE 2012

File No: 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Chief Executive Officer report for June 2012 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
3 February 2012	11.1.1	RESIDENTIAL INFILL PROGRAM (LAZY LANDS), NEWMAN – PREPARED BY THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	CEO	Draft Tender documents prepared	On Going
25 May 2012	13.5	BHP BILLITON – MATCH GIVING PROGRAM Cr Doug Stead would like to acknowledge BHP Billiton for their Match Giving Program as BHP Billiton donate a lot to the Newman Community from their employees this shows how many people working for BHP Billiton volunteer their time to help others and BHP should be recognised with a letter. Executive Services to follow up.	CEO		
22 June 2012	13.4	OUTDOOR BASKETBALL COURT Cr Darren Bennetts advised that he had spoken to a Newman resident who is seeking support to have a full size outdoor basketball court built in Newman Mr Allen Cooper, Chief Executive Officer to follow up.	CEO		

**9.1.2 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
TECHNICAL SERVICES - RURAL**

File No: 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 of the Manager Technical Services - Rural.

BACKGROUND

The employment contract of Mr Oliver Schaer has been extended by a two year term to 10th October 2014, with an option of a further two year extension, subject to satisfactory work performance.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 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

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Oliver Schaer, Manager Technical Services – Rural for a term of two years, expiring on 10 October 2014.

9.1.3 PILBARA DEVELOPMENT COMMISSION BOARD VACANCY

File No: ORG-2-15
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 28-Jul-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

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

Nominee details will be forwarded to the Minister for Regional Development; Lands, the Hon Brendon Grylls MLA, for consideration and selection. The Minister will forward details of the successful candidates to the WA State Cabinet for endorsement.

COMMENTS/OPTIONS/DISCUSSIONS

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

Applications close on Wednesday 1st August 2012.

If you require further information/assistance contact Mrs Joy Chelchowski by telephone on 058 9185 0608 or by email joy.chelchowski@pdc.wa.gov.au

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Councillor/s _____ be nominated as a Local Government Representative for the Board of the Pilbara Development Commission.

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9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- JUNE 2012**

File No: 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire
Continuing role
How funded – Municipal Funds
Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer report for June 2012 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by PRC	
11 March 2011	13.2	PIPUNYA PROPERTY Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property? Deputy Chief Executive Officer to follow up.	DCEO	Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.	Department of Commerce had a meeting 13th March 2012 in Marble Bar still waiting for outcome
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	Sewerage and Concrete connection	July 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
3 February 2012	9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	CPS	With WALGA	On Going
25 May 2012	9.2.6	OFFICIAL OPENING FOR ROYALTIES FOR REGIONS PROJECTS	DCEO	Minutes Contested ambury possible dates	On Going
22 June 2012	13.8	MARBLE BAR COUNCIL CHAMBERS UPDATE	MBA	In draft budget	

**9.2.2 AFFIX COMMON SEAL OF SHIRE OF EAST PILBARA AND S & K
INVESTMENTS PTY LTD - TRADING AS WA BILLBOARDS FOR LICENCE
TO ADVERTISE AT NEWMAN AIRPORT**

File No: FAC 1-2
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Shire of East Pilbara & S & K Investments Pty
Ltd – WA Billboards
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the licence agreement for WA Billboards, S & K Investments Pty Ltd located at Newman Airport, Lot 511.

BACKGROUND

The premises for this agreement are being within the main passenger terminal and car parks, and any area within twenty metres measured from any point of either part of both terminal buildings.

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

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

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 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) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

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

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was applied to documents between the Shire of East Pilbara and WA Billboards, S & K Investments Pty Ltd for the new Licence Agreement at the Newman Airport, Lot 37. This agreement commences from 1st July 2012, for a term of 3 years with an additional option term of 3 years.

9.2.3 AFFIX COMMON SEAL TO LEASE AGREEMENT FOR ROYAL FLYING DOCTORS SERVICE OF AUSTRALIA (WESTERN OPERATIONS)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: Newman Airport

Name of Applicant: Royal Flying Doctor Service of Australia
(Western Operations)

Author Disclosure of Interest: Nil

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease agreement for Royal Flying Doctor Service of Australia located at Newman Airport – Lease Area 2.

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

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

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 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) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

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

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed by the lease agreement between the Shire of East Pilbara and Royal Flying Doctor Service of Australia (Western Operations) located at Newman Airport. Agreement to commence from 1st July 2012 for a term of five (5) years with an additional option term of five (5) years.

9.2.4 COUNCIL BUDGET 2012-2013

File No: FIN-23-10
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To adopt Council's budget for the 2012/2013 year.

BACKGROUND

Council is required to adopt its budget for the 2012/2013 year by the 31st August 2012. The draft budget (under separate cover) has been compiled with regard to Council's strategic documents, resolutions of Council over the last 12 months and input from Councillors and Council Officers. A summary of major items of expenditure is included with the document to highlight particular proposals.

COMMENTS/OPTIONS/DISCUSSIONS

Council must adopt the budget by the 31st August 2012, or seek an extension from the Minister for Local Government.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 6.2 of the Local Government Act, 1995 – Local Government to prepare an Annual Budget.

Regulations 22-23 of the Local Government (Financial Management) Regulations, 1996 – Form and Content of Annual Budget.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 – Community Viability

Supporting opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

To allow for the Council's financial operations for the 2012/2013 financial year.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

That:

- (1) The 2012/2013 draft budget be adopted as presented;**
- (2) The schedule of rates, sewerage rates, fees and charges and rubbish, as detailed, be adopted**

9.2.5 ANNUAL REVIEW OF DELEGATIONS MANUAL

File No:	LEG-2-6
Attachments:	Delegations Manual 2012.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the 2012 Delegations Manual.

BACKGROUND

Section 5.46(2) of the *Local Government Act 1995* ("the Act") requires Council to review its Delegations Manual once every financial year. Council last reviewed the Delegations Manual on 23 July 2010.

The Delegations Manual assists staff in their daily operations without continually referring items to Council, thus speeding up the decision making process. A copy of the Delegations Manual is included as an attachment under separate cover with the agenda.

COMMENTS/OPTIONS/DISCUSSIONS

Several changes have been made to the Delegations Manual including officer title changes and to reflect recent changes in various pieces of legislation and other manuals as adopted by Council. These changes are detailed below:

- 1 Added new Delegation - Making of the Decision to Invite Tenders (from Feb 12 mtg)
 - 2 Amended Legal Matters - as per Sian
 - 3 Added Building Act 2011 into Power to Delegate table - text as per Adam
 - 4 Amended DTDS title - Removal of Trees
 - 5 Amended DTDS title - Licence to Deposit Materials on or Excavate a Street
 - 6 Amended DTDS title - Requirement to Construct & Repair Crossing
 - 7 Amended DTDS title - Crossing from Public Thoroughfare to Private Land or
...
 - 8 Amended DTDS title - Closing Roads
 - 9 Amended DTDS title - Entry to Property
 - 10 Amended DTDS title - Dangerous Excavation in or Near Public Thoroughfare
 - 11 Amended DTDS title - Disposing of Property
-

- 12 Amended DTDS title - Power to Remove & Impound Goods.
- 13 Amended DTDS title - Notice Requiring Certain Things to be Done by the Owner or Occupier of Land
- 14 Amended DTDS title - Traffic Regulatory & Other Signs
- 15 Amended DTDS title Road Train & Extra Mass Permits, added MTS - Newman & Nullagine, amended file ref to TCH-4-4
- 16 Amended DTDS title - Public Thoroughfares - Public Use & Plans
- 17 Amended DTDS title - Light Vehicles & Plant Replacement
- 18 Amended DTDS title - Resumption of Land
- 19 Amended DTDS title - Fixing or Altering Levels, Alignments, Drainage
- 20 Amended DTDS title - Verge Treatments - Protective Devices
- 21 Amended DTDS title - Private Works On, Over or Under Public Places, added MTS Newman
- 22 Amended DTDS title - Partial Closure to Thoroughfare for Repairs & Maintenance, added MTS Newman
- 23 Amended DTDS title - Duties when Performing Functions
- 24 Amended DTDS title - Temporary Road Closures
- 25 Amended DTDS title - Gates Across Public Thoroughfares, added MTS Newman
- 26 Amended DTDS title - Events on Roads
- 27 Amended DTDS title - Contractors - Use on Works , added MTS Newman
- 28 Added a new 'title' page - Delegations From Council - Building Act 2011 s.127 for the new Building Act delegations, as they are delegation from Council to certain staff, not Council to CEO, or CEO to staff
- 29 Added new Delegation - Building & Demolition Permits(from April 12 mtg)
- 30 Added new Delegation - Occupancy Permits & Building Approval Certificates (from April 12 mtg)
- 31 Added new Delegation - Enforcement Authorised Persons (from April 12 mtg)
- 32 Added new Delegation - Building Orders (from April 12 mtg)
- 33 Added new Delegation - Building Information (From April 12 mtg)
- 34 Added new Delegation - Private Swimming Pools (from April 12 mtg)
- 35 Added new Delegation - Smoke Alarms (From April 12 mtg)
- 36 Added new Delegation - Transitional Provisions Relating to Local Government (from April 12 mtg)
- 37 Added n/a into blank file references

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 4 - Employees) 5.46. Register of, and records relevant to, delegations to CEO's and employees (pg 153).

POLICY IMPLICATIONS

Any delegation to the Chief Executive Officer or other staff member must also be exercised in conjunction with Council's current policies.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council adopt the 2012 Delegations Manual as presented.

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9.2.6 ANNUAL REVIEW OF POLICY MANUAL 2012

File No:	LEG 2-1
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Tina Wilson Coordinator Administration Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the 2012 Policy Manual.

BACKGROUND

Council last reviewed the Policy Manual on 24 June 2011. Since the last review, up to and including the Council meeting held on 22 June 2012, Council has resolved to amend two policies and adopt two new policies.

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 Council 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, ie –

- 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 governments 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 Delegations Register; and
3. The Chief Executive Officer’s Operations 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 2011/2012 financial year and included in the Policy Manual:

Date	Agenda Item No.	Resolution No.	Note
26.08.2011	9.2.4	201112/49	(New) Photographing people and publishing photos
17.12.2010	9.1.8	201011/119	(Amendment) Newman town Centre Redevelopment Plan – Local Planning Policy No.3 – RECINDED BY LOCAL PLANNING POLICY NO.5
27.04.2012	9.1.6	201112/248	(NEW) Stallholders and Street Trading Policy
25.05.2012	9.2.4	201112/288	(Amendment) Purchasing and Tender procedures

A draft copy of the 2012 Policy Manual is included under separate cover. Minor amendments to some policies have been included in this document and the amendments have been “tracked” so Councillor’s can identify these changes.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

To be reviewed, updated and adopted annually.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the 2012 Policy Manual as presented.

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9.2.7 AMENDMENT TO PURCHASING AND TENDER POLICY

File No: LEG-2-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Councils endorsement to amend the Purchasing and Tender Procedures Policy to better reflect the current operational needs of the Shire.

BACKGROUND

The Purchasing and Tender Procedures Policy must be updated regularly to clearly reflect current changes and trends. This requested update is for authority to be granted to the RPT Bus Driver to allow this member of staff to purchase goods or services to the value of \$2,000 in an emergency situation. This request is borne out the fact that the current staff member has already been in a position where urgent repairs were required on the bus, and the driver's have found themselves unable to contact a senior member of staff to approve a purchase order to allow repairs to occur.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect the required up dated information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Regulation 17 (2) of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

10.12 Purchasing and Tender Policy

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

11 March 2011

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books 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, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the

Deputy Chief Executive Officer and all capital purchase orders (with the exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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.

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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 order is in excess of \$30,000 the purchase order is to be countersigned by the authorised supervisor prior to the order being issued:

- Managers

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

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

- Duty Officers – Newman Aquatic Centre

- Team Leader – Works Crew (Newman)

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
 - Supplier's name and address
 - Delivery instructions
 - Description of goods and/or service required
 - Quantity
 - Price
 - General Ledger Account number
 - Line Item
 - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are 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, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

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 Services.

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

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book, glasses.*
- *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 not required (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 Functions and General Regulations apply.

1.3 Tender Criteria

This policy is to be read in conjunction with the Local Government (Functions and General) Regulations.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
5. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

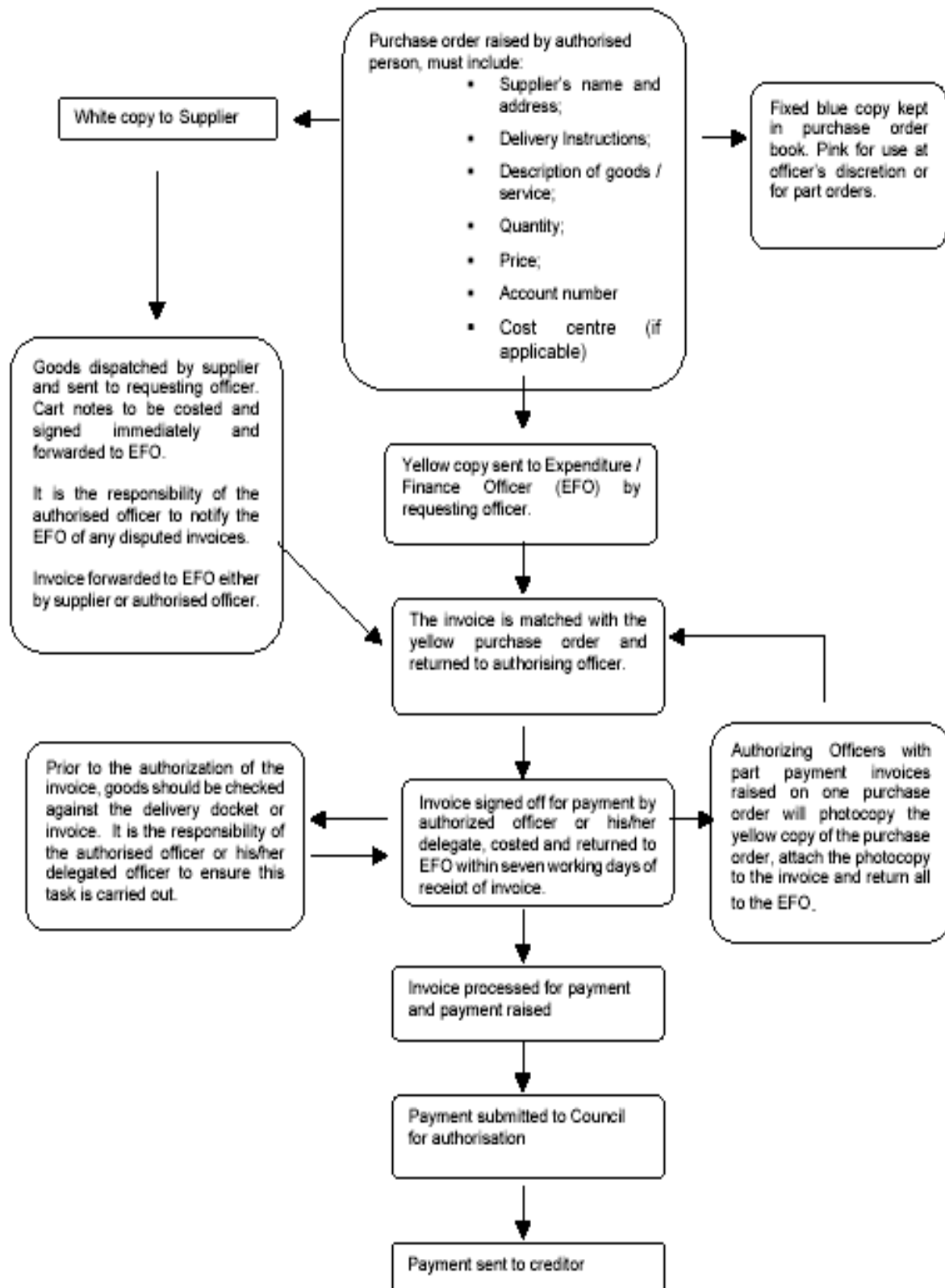
The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au .

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
 8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
 9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
 10. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
-

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the State Records Act.

1.4 Order Procedure Flow Chart



PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities**
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt prescribed changes to the Purchasing and Tender Procedures Policy as requested

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

9.2.6 11 March 2011

9.2.4 25th May 2012

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. All purchase orders are to be completed as set out below. Capital equipment is to be purchased with an order from a separate capital purchases order book:

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\$20,000 - \$39,999 Under direction from the authorised supervisor, the capital purchase or other order books will be utilised and three written quotes

shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable

\$40,000 - \$99,999 Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer the capital purchase or other order books 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, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

Capital Expenditure

For the purpose of controlling the cash flow of the Shire all capital purchase orders will be made from the one purchase order book which will be held by the Deputy Chief Executive Officer and all capital purchase orders (with the exception of road construction and plant purchases) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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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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.

Purchase orders for goods and services, other than for capital items, may only be signed by the following:

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- Deputy Chief Executive Officer
- Directors

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- Works Supervisor (Newman & Marble Bar)

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

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

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- Field Officer – Martumili
- RPT Bus Driver

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

Raising a Purchase Order

- All authorised officers will be issued with a purchase order book;
- It is the responsibility of the originator of the purchase order to complete all sections of the order:
- Supplier's name and address
- Delivery instructions
- Description of goods and/or service required

- Quantity
- Price
- General Ledger Account number
- Line Item
- Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

All officers must make sure the enquiry panel at the bottom of a purchase order is completed with the authorised officer's (or their delegated officer's) name and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

Light Vehicle Purchases

Council staff are 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 \$50,000.

Between \$50,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

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

Light Vehicle Disposals

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

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

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

- Valuation by the auction house.
- Valuation from a recognised source ie: red book, glasses.
- 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 not required (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.

1.3 Tender Criteria

This policy is to be read in conjunction with the Local Government (Functions and General) Regulations 1996.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1 All Officers are required to seek written approval from the Chief Executive Officer before calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the Local Government (Functions and General) Regulations 1996 and the Delegations Manual – Making of the Decision to Invite Tenders.

2 A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.

3 Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."

4 A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.

5 For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.

6 Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.

7 Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 1522, and emails shall be addressed to tenders@eastpilbara.wa.gov.au .

8 Notices inviting tenders for any item/s, works, etc. which are provided for in the Council's budget or works program may be placed prior to approval by Council.

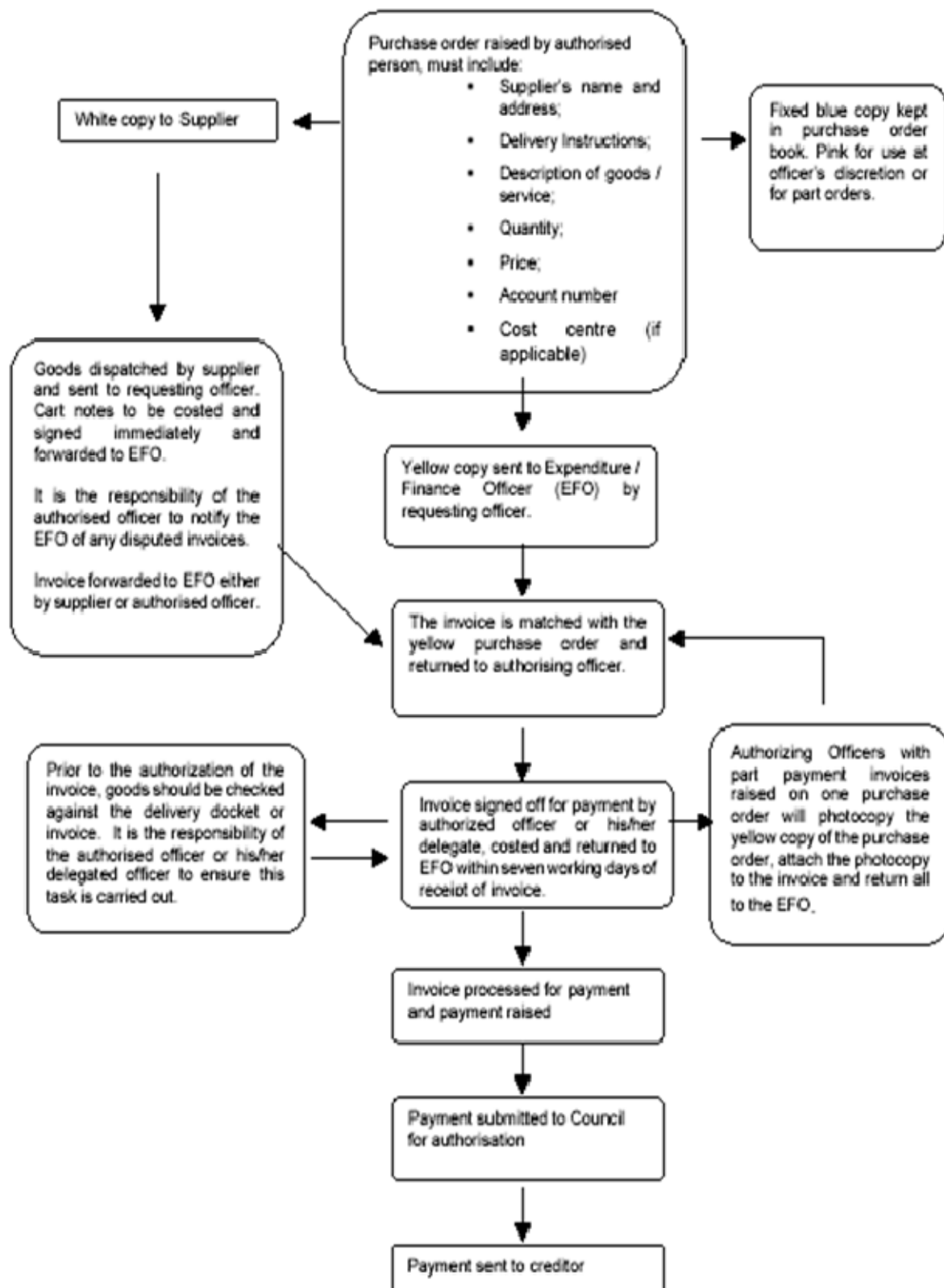
9 Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.

10 No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

11 All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- e. Tender documentation**
- f. Internal documentation**
- g. Enquiry and response documentation**
- h. Notification and award documentation**

Records retention shall be in accordance with the minimum requirements of the State Records Act 2000.



9.2.8 AMENDMENT TO THE ACCOUNTING POLICY

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Angela McDonald
Manager Finance and Administration Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Councils endorsement to amend the Accounting Policies to reflect significant changes in legislation and current Shire practice.

BACKGROUND

The Accounting Policies must be updated regularly to reflect current Accounting Standards as well as current internal practices. This request is to align the Accounting Policies with legislation and Shire practices.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect current legislation requirements as well as current Shire practice.

STATUTORY IMPLICATIONS/REQUIREMENTS

Australian Accounting Standards and the Local Government Act 1995.

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

Minute No: Item 9.1.3

Date: 27th June 2003

Policy

The accounting policies adopted will be consistently applied unless otherwise stated. Council will prepare its Annual Financial Statements in accordance with Statements of Accounting Concepts, applicable Australian Accounting Standards and disclosure requirements of the *Local Government Act 1995* and Local Government Accounting Directions. The financial statements will be prepared on the basis of historical costs and will not take into account changes in money values or, except where stated, current valuations of non-current assets.

(a) The Local Government Reporting Entity

For the purpose of reporting on the municipality as a single unit all transactions and balances in respect to the Municipal, Loan and Reserve Funds have been consolidated. Monies held in the Trust Fund have been excluded from the Budget statements, as Council does not control such resources.

(b) Basis of Accounting

The financial reports have been compiled in accordance with applicable Australian Accounting Standards, other mandatory professional reporting requirements, the provisions of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*. They have been prepared on the accrual basis under the convention of historical cost accounting.

(c) Non Current Assets

(i) Valuation of Non Current Assets

Non current assets will be recognised in the statements when the value exceeds the following amounts:

Land	\$0
Buildings	\$0
Plant and Equipment	\$1,000
Office Furniture and Equipment	\$500

(ii) Revaluation of Non Current Assets

As of 1 July 2001, Council elected to revert to the cost basis for measuring land and buildings and all infrastructure assets other than roads that were being carried at a revalued amount at the immediately preceding report date being 30 June 2001.

This was achieved by deeming the carrying amount of the non current assets comprising the particular class to be their cost and complied with requirements on first application of the Accounting Standard AASB 1041 "Revaluation of Non Current Assets".

(iii) Depreciation of Non Current Assets

Non current assets having limited useful lives are to be depreciated over such useful lives using the straight-line method to reflect the consumption of the economic benefits embodied in such assets.

Major depreciation periods are:

Buildings	40 years
Plant and Equipment	3 – 10 years
Computer Equipment and Software	3 years
Furniture and Equipment	5 years
Tools	3 years

(iv) Infrastructure Assets

Infrastructure assets are those amenities, structures or facilities which assist the municipality in providing services to the community and may have the following characteristics:

- a long life;
- require substantial capital outlays;
- do not necessarily have a realisable value;
- usually a fixture not always readily visible or noticeable;
- consist of a number of components.

Infrastructure assets are capitalised if the threshold value exceeds \$5,000.

Infrastructure assets are depreciated on a straight-line basis over their useful lives as follows:

Bridges	75 years
Car parks	20 years
Culverts	50 years
Cycle ways	50 years
Drains	75 years
Footpath – in situ concrete	50 years
Footpath – slab	20 years
Irrigation	20 years
Kerbs and channel	50 years
Manholes	50 years
Median strips	50 years
Road seals – aggregate	15 years
Road seals – asphalt	20 years
Road (sealed) – pavement	50 years
Road (unsealed) – formed	10 years
Road (unsealed) – gravel	12 years
Street lights	25 years
Street signs	10 years
Water reticulation systems	20 years

(d) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries and Annual Leave

The provision for employees' benefits to wages, salaries and annual leave represents the amount that the municipality has a present obligation to pay resulting from employees' services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Council expects to pay and includes related on-costs.

(ii) Long Service Leave

The provision for employees' benefits for long service leave represents the present value of the estimated future cash outflows to be made by the employer resulting from the employees' service to balance date.

(e) Superannuation

The Shire of East Pilbara contributes to the Local Government Superannuation Scheme. The fund is a defined contribution scheme.

(f) Investments

Investments are valued at cost. Interest upon investments is recognised as revenue as it accrues.

(g) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and contributions, other than reciprocal contributions received from owners, are recognised as revenues when Council obtains control over the assets comprising these receipts.

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of rates.

Control over granted assets is normally obtained upon their receipt or upon prior notification that a grant has been secured. However, where a grant clearly refers to a different period, control is deemed to commence from the beginning of such period. Additionally, where any amounts of grants remain unexpended and are required to be refunded, receipts are recognised as income only to the extent that they have been expended.

(h) Trust Funds

Amounts received as tender deposits and retention monies controlled by Council are included in the statements.

Amounts received by Council in a custodial role, such as bonds on Council owned housing, have been excluded from the statements.

(i) Stock on Hand

Stocks on hand of materials, history books etc are valued at the lower of cost or net realisable value. Materials are issued to works on the basis of cost.

(j) Cash

Cash, for the purposes of the Statement of Cash Flows, comprises the value of assets held in the municipal, loan and reserve fund bank and investment accounts.

(k) Accounts Payable

Trade creditors and other accounts payable are recognised when Council becomes obliged to make future payments resulting from the purchase of goods and services.

(l) Comparative Figures & Information

Comparative figures included in the statements are based on previous years' actuals or, where unknown, reasonable estimates have been included. Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

(m) Changes in Accounting Policies

Where there is a change in an accounting policy, the nature, reason for and effect of the change is disclosed in the statements.

(n) Rounding Off Figures

All figures in this annual financial report are concise amounts.

(o) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the Statement of Financial Position are stated inclusive of applicable GST.

(p) International Financial Reporting Standards

Council will comply with the IFRS as required and applicable.

(q) Systems of Internal Control Relating to Financial Assets of Council

According to Section 6.10 of the *Local Government Act 1995* and regulation 5 of the *Local Government (Financial Management) Regulations 1996*, the Council's system of internal control is to be based on the Local Government Accounting Directions 1985, to be adhered to on a general basis with applicable and appropriate modifications where necessary.

I Recordkeeping Awareness Training

The Council undertakes to supply recordkeeping awareness training as required and applicable.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 *Ensure compliance with relevant Statutes and statutory authorities*

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council adopt prescribed changes to the Accounting Policy.

3.1 Accounting Policies

Minute No: Item 9.1.3

Date: 27th June 2003

Policy

The significant accounting policies which have been adopted in the preparation of this financial report are:

(a) Basis of Preparation

The financial report is a general purpose financial report which has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local governments and not-for-profit entities), other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended). The report has also been prepared on the accrual basis under the convention of historical cost accounting as modified by the accounting treatment relating to the revaluation of financial assets and liabilities at fair value through profit and loss and certain classes of non-current assets.

(b) Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgement about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(c) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears at Note 22 to this financial report.

(d) Fixed Assets

(i) Valuation of Fixed Assets

Fixed assets will be recognised in the statements when the value exceeds the following amounts:

Land	\$0
Buildings	\$0
Plant and Equipment	\$1,000
Office Furniture and Equipment	\$500

(ii) Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed includes the cost of all materials, direct labour and variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

(iii) Land under Roads

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July, 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July, 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July, 2008 is not included as an asset of the Council.

(iv) Revaluation of Fixed Assets

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less,

where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the assets.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

(v) Depreciation of Non Current Assets

Non current assets having limited useful lives are to be depreciated over such useful lives using the straight-line method to reflect the consumption of the economic benefits embodied in such assets.

Major depreciation periods are:

Buildings	40 years
Plant and Equipment	3 - 10 years
Computer Equipment and Software	3 years
Furniture and Equipment	5 years
Tools	3 years

(vi) Infrastructure Assets

Infrastructure assets are those amenities, structures or facilities which assist the municipality in providing services to the community and may have the following characteristics:

- a long life;
- require substantial capital outlays;
- do not necessarily have a realisable value;
- usually a fixture not always readily visible or noticeable;
- consist of a number of components.

Infrastructure assets are capitalised if the threshold value exceeds \$5,000.

Infrastructure assets are depreciated on a straight-line basis over their useful lives as follows:

Bridges	75 years
Car parks	20 years
Culverts	50 years
Cycle ways	50 years
Drains	25 years
Footpath - in situ concrete	50 years
Footpath - slab	20 years
Irrigation	20 years
Kerbs and channel	50 years
Manholes	50 years
Median strips	50 years
Road seals - aggregate	15 years
Road seals - asphalt	25 years
Road (sealed) - pavement	50 years

Road (unsealed) - formed	20 years
Road (unsealed) - gravel	20 years
Street lights	25 years
Street signs	10 years
Water reticulation systems	20 years
Parks and Gardens	20 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income.

Capitalisation Threshold

(e) **Employee Benefits**

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) **Wages, Salaries, Annual Leave and Long Service Leave (Short-term benefits)**

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount that the municipality has a present obligation to pay resulting from employees' services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Council expect to pay and includes related on-costs.

(ii) **Long Service Leave (Long-term benefits)**

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

(f) **Superannuation**

The superannuation expense for the reporting period is the amount of the statutory contribution Council makes to the WA Local Government Superannuation Plan and other defined contribution schemes as requested by staff and is charged against revenue in the financial year to which the payment relates.

(g) **Financial Instruments**

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit and loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or cost.

Fair value represent the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any between the amount initially recognised and the maturity amount calculated using the effective interest rate method ; and
- (d) Less any reduction for impairment.

The effective interest method used is to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payment or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

(i) *Financial assets at fair value through profit and loss*
Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling it.

(ii) *Loans and receivables*
Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measure at amortised cost.

Loans and receivables are included in current assets and liabilities, except for those which are not expected to mature with 12 months within 12 months after the end of the reporting period. (classified as non-current assets).

(iii) *Held-to-maturity investment*
Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity.

Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months for the reporting date, which are classified as current assets.

If the Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

(iv) *Available-for-sale financial assets*
Available-for-sale financial assets are non-derivatives financial assets that are either not suitable to be classified into other categories fo financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to mature within 12 months after the end of the reporting period (classified as current assets).

(v) *Financial liabilities*
Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instrument, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the statement of comprehensive income.

Derecognition

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

(h) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the statement of financial position date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustment of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flow at the current market interest rate that is available to the Council for similar financial instruments.

(i) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the statement of comprehensive income.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement of cost of the assets.

- (j) **Rates, Grants, Donations and Other Contributions**
Rates, grants, donations and other contributions are recognised as revenue when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating periods or, where earlier, upon receipt of the rates.

Where contributions recognised as revenue during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the report date, the nature of and amounts pertaining those undischarged conditions are disclosed in Note 4(c). That note also discloses the amount of contributions recognised as revenue in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

- (k) **Trust Funds**
Amounts received as tender deposits and retention monies controlled by Council are included in the statements.
Amounts received by Council in a custodial role, such as bonds on Council owned housing, have been excluded from the statements.

- (l) **Inventories**
General
Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Inventories held from trading are classified as current even if not expected to be realised in the next 12 months.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.

(m) Cash and Cash Equivalents

Cash and cash equivalents in the statement of financial position comprise cash at bank and in hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Statement of cash flows, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the statement of financial position.

(n) Trade and Other Receivables

Trade receivables, which generally have 30 – 90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.

Collectibility of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(o) Comparative Figures & Information

Comparative figures included in the statements are based on previous years' actuals or, where unknown, reasonable estimates have been included. Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

(p) Rounding Off Figures

All figures in this annual financial report are concise amounts.

(q) Goods and Services Tax

Revenues, expenses and assets capitalised are stated net of any GST recoverable.

Receivables and payables in the statement of financial position are stated inclusive of applicable GST. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a Gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(r) Trade and Other Payables

Trade payables and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

(s) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised as the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the statement of financial position date.

Borrowing Cost

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(t) Provisions

Provisions are recognised when: The Council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

(u) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on Council's to release for sale.

(v) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

9.2.9 NEWMAN SPORT, RECREATION AND OPEN SPACE ASSESSMENT

File No:	STR-3-8
Attachments:	Final Draft East Pilbara Recreation Facilities July2012V5.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sharon Walsh Manager Community Wellbeing
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to receive the Newman Sport, Recreation and Open Space Assessment and accept it as a planning document for future reference.

BACKGROUND

In July 2011, the Shire of East Pilbara contracted Noelker Consulting to undertake a facility rationalisation assessment of the Newman Township. This document is to provide a framework of suggested short and long terms options for Council to consider, to best service the sport, leisure and recreation needs of the Newman community.

COMMENTS/OPTIONS/DISCUSSIONS

Community feedback received suggested that there are many instances of over use of certain recreation facilities and the use of Capricorn Sporting Complex was constantly being juggled by sporting clubs members and special event users. The employment of Noelker Consulting was a direct result from this community feedback as the Shire of East Pilbara is very aware of the importance of sport and recreation pursuits and their importance to the social fabric of the Newman community. To date, some significant progress in sporting improvements since this public consultation has already occurred, however, the immediate need for a dedicated space that can adequately accommodate the needs of fairs, fetes, smaller events and passive recreation users, is still yet to be sourced and finalised.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 – Community enrichment

To enrich our cultural, social and recreational lifestyles

2.4 Recreational

2.6 Social

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council receive the Newman Sport, Recreation and Open Space Assessment January 2012 and accept it as a planning document for future reference.

9.2.10 RFT11/2011-12 CONCEPT DESIGN FOR THE PROPOSED CIVIC CENTRE IN NEWMAN

File No: A409750
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The Shire of East Pilbara has engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for Request for Tender 11/2011-12 Concept Design for the Proposed Civic Centre in Newman

BACKGROUND

The Procurement Consultancy Service of WALGA issued RFT 11/2011-12 Concept Design for the Proposed Civic Centre in Newman on behalf of the Shire of East Pilbara for the engagement of a suitable Consultant to prepare concept plans and preliminary costing for the proposed multi-use civic centre as part of the Newman Revitalisation Plan.

COMMENTS/OPTIONS/DISCUSSIONS

The principal provided an indicative timetable for completion of the project, as set out below;

Week	Milestones	Date
	Evaluations and Council Decision	27 th June 2012
1	Contract Award	4 th July 2012
3	Inception Meeting and Brief Development	18 th July 2012
7	Development of Preliminary Concept Design	15 th August 2012
10	Development of Final Concept Design	5 th September 2012
12	Presentation of Final Concept Design & PC to Principal	19 th September 2012

The tender was advertised in The West Australian and the North West Telegraph on Saturday, 28th April 2012. The tender was also advertised on the WALGA Tenderlink e-Tendering Portal. Closing date for the tender was 22nd May 2012.

Thirteen tender submissions received from the following organisations:

1. ARM Architecture
2. Bolig Design Group
3. Christou Design Group
4. Cox Howlett & Bailey Woodland
5. Edson Burton
6. Formworks Architects
7. Fratelle Group
8. Gresley Abas Pty Ltd
9. Hames Sharley
10. Holton Connor Architects & Planners
11. Office Woods Architects
12. SIA Architects and
13. Woodhead Pty Ltd

The qualitative criteria for this tender were:

Description	Weighting
Capability and Experience	40%
Project Personnel	30%
Design Process	30%

Lump Sum Price

The fixed lump sum prices submitted by each Tenderer

Comparative Statement – Qualitative Criteria and Pricing

The summaries have been prepared for the purposes of providing feedback to the respondents and as a brief overview of the principal issues by the evaluation panel to reach a decision on the preferred tenderer. The summaries are not meant to cover all criteria and issues discussed by evaluation panel.

Respondents selected for shortlisting

The following Respondents scored above 80% in the qualitative scoring and were shortlisted:

- ARM Architects
- Formworks Architects, and
- Woodhead Pty Ltd.

Recommended Tenderer

Woodhead Pty Ltd is the recommended Tenderer on the basis of best value for money.

It is further recommended that the Chief Executive Officer be given delegated authority to conduct successful negotiations with Woodland Pty Ltd to achieve a suitable outcome to the Shire of East Pilbara to achieve its outcome.

Recommendation report from WALGA Procurement Consultancy Services is endorsed by the Chief Executive Officer.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

TENDER PROCEDURES

The Shire of East Pilbara "Tender Procedures" policy

Tender Procedures

Minute No: Item 9.

Date: 27th June 2003

5th May 2006

Objective

To set guidelines which must be followed when inviting tenders for works and services within the Shire.

Policy

This policy is to be read in conjunction with the Local Government (Functions and General) Regulations.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such form is optional in the case of procurements worth less than \$50,000.00 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on the Council correspondence, files, Council Minutes, Minutes, etc.
5. Tender notices shall insist that all tenders be either clearly marked, and in a sealed envelope, facsimiled with a correctly title cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be that located nearest the Chief Executive Officer's office (08 9175 1522), and emails shall be sent to the address 'tenders@eastpilbara.wa.gov.au'.

7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

- 1.2 Asset Management
 - 1.2.2 Develop and apply asset management principles to support the maintenance and management of Councils assets.
June 2010
How funded – Municipal Funds
Responsible Directorate – Corporate Services

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

- 3.4 Maintaining a High Standard of Governance
 - 3.4.2 Implement an organisation structure that supports Council direction
Annual review of organisation structure
How funded – Municipal Funds
Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council award Tender 11/2011-12 Concept Design for the Proposed Civic Centre in Newman to Woodhead Pty Ltd for the tendered price \$96,950.00 excluding GST.

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9.2.11 MONTHLY FINANCIAL STATEMENTS – APRIL 2012

Attachments:	April Financial 2012
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Angela McDonald Manager Finance and Administration Services
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 10 page report details the financial activities of the Council for the period of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – April	
Note	Comment
1	Interest in Muni Funds Higher then budgeted
2	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
3	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
4	Infringements and Dog Registrations higher then budgeted
5	Fees – Septic Tank Applications & Food Premises Licenses higher then budgeted
6	Creche Entry Fees higher than budgeted
7	Non Staff Rentals higher than budgeted for due to consultants renting out properties
8	Newman Tip Fees and Liquid Waste both up on budget
9	Planning Applications higher then budgeted
10	Martumili Income above budget – matched by expenditure
11	Profit on Sale of Plant less than budgeted for
12	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
13	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
14	Building Licenses higher then budgeted.
15	RPT Bus Service higher than budgeted – allowed for in budget review
16	Homeswest rent income higher than budget – matched by expenditure
17	Private Works income higher then budgeted due to Roy Hill Road Grading – matched by expenditure
18	General Insurance Income higher than budgeted – matched by expenditure

19	Rates Operating Expenditure down on budget – allowed for in budget review
20	SES Operating Grant Expenditure down as income not yet received
21	Expenditure down on budget – allowed for in budget review
22	Expenditure down on budget – allowed for in budget review
23	Youth Centre Expenditure down on budget – allowed for in budget review
24	Depreciation Down on land and building due to new housing complex still being built
25	Expenditure down on budget – allowed for in budget review
26	Depreciation for Rec Centre higher than budgeted
27	Expenditure down for Community Hall – Newman and Civic Centre – Marble Bar, timing only
28	Expenditure down on budget – allowed for in budget review
29	Expenditure down on budget – allowed for in budget review
30	Expenditure down due to vacancies – allowed for in budget review
31	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
32	Works and Services under allocated – overheads increased to compensate.
33	Workers Compensation higher then budgeted, will be matched by income
34	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical and Development Services

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER’S RECOMMENDATION

THAT the monthly financial statements for the period 1 July 2011 to 30th April 2012 of the 2011/2012 financial year as presented be received.

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9.2.12 MONTHLY FINANCIAL STATEMENTS – MAY 2012

Attachments:	May Financial 2012
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Angela McDonald Manager Finance and Administration Services
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 10 page report details the financial activities of the Council for the period of the 2011/2012 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – May	
Note	Comment
1	Interest in Muni Funds Higher then budgeted
2	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
3	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
4	Infringements and Dog Registrations higher then budgeted
5	Fees – Septic Tank Applications & Food Premises Licenses higher then budgeted
6	Creche Entry Fees higher than budgeted
7	Non Staff Rentals higher than budgeted for due to consultants renting out properties
8	Newman Tip Fees and Liquid Waste both up on budget
9	Planning Applications higher then budgeted
10	Fitness fees, equipment hire and security tag income all up on budget
11	Martumili Income above budget – matched by expenditure
12	Royalties for Regions funding for sporting facilities upgrades not budgeted for, allowed for in budget review
13	Profit on Sale of Plant less than budgeted for
14	Flood Damage Reimbursement higher than budgeted will be matched by expenditure and Energy Grant Reimbursement higher than budgeted.
15	Interest on reserve up on budget due to timing of plant purchases, allowed for in budget
16	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
17	Building Licenses higher then budgeted.
18	RPT Bus Service higher than budgeted – allowed for in budget review

19	Homeswest rent income higher than budget – matched by expenditure
20	Private Works income higher then budgeted due to Roy Hill Road Grading – matched by expenditure
21	General Insurance Income higher than budgeted – matched by expenditure
22	Rates Operating Expenditure down on budget – allowed for in budget review
23	SES Operating Grant Expenditure down as income not yet received
24	Expenditure down on budget – allowed for in budget review
25	Expenditure up on MVE Program and Mosquito Control
26	Youth Centre Expenditure down on budget – allowed for in budget review
27	Expenditure down on budget for community programmes, allowed for in budget review
28	Expenditure down on budget – allowed for in budget review
29	Depreciation Down on land and building due to new housing complex still being built
30	Expenditure up on budget – allowed for in budget review
31	Expenditure down on budget
32	Depreciation for Rec Centre higher than budgeted
33	Expenditure down for Community Hall – Newman and Civic Centre – Marble Bar, timing only
34	Expenditure down due to vacancies – allowed for in budget review
35	Expenditure up on budget – allowed for in budget review
36	Expenditure up on budget – allowed for in budget review
37	Expenditure up on budget mainly due to an increase in consultancies

38	Expenditure down on budget
39	Expenditure down due to vacancies – allowed for in budget review
40	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
41	Works and Services under allocated – overheads increased to compensate.
42	Workers Compensation higher then budgeted, will be matched by income
43	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical and Development Services

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 Implications

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the monthly financial statements for the period 1 July 2011 to 31st May 2012 of the 2011/2012 financial year as presented be received.

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9.2.13 CREDITORS FOR PAYMENT

File No: FIN 10-2
Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Candice Giblett
Expenditure 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 22 June 2012.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT15500-EFT16018	5,559,423.39
	Total	\$5,559,423.39
Cheque Payments	21432-21500	157,490.42
Written Cheque Payments	13-18	44,141.85
	Total	\$201,632.27
	GRAND TOTAL	<u>\$5,761,055.66</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS
21457, 21482, EFT15638, EFT15819

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 \$4,140.024.40

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT15500-EFT16018	5,559,423.39
	Total	\$5,559,423.39
Cheque Payments	21432-21500	157,490.42
Written Cheque Payments	13-18	44,141.85
	Total	\$201,632.27
	GRAND TOTAL	\$5,761,055.66

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISIONS - JUNE 2012**

File No: CLR 4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995
Section 2.7
The role of the council*

(1) The council –

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 Encourage community participation in the decision making processes undertaken by the Shire

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Director Technical and Development Services report for June 2012 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	With WAPC for Final Approval	On Going
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND		Forwarded to Legal Council for Action	
16 December 2011	13.2	<p>WELSH DRIVE</p> <p>Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school.</p> <p>Technical Services Administration Officer to follow up.</p>	MTS-R	Technical Services to carry out road assessment including obtaining traffic counts, speeds etc	August 2012
16 December 2011	13.5	<p>SIGNS – RECONGITION ON THE DESERT ROADS</p> <p>Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	MTS-R	MTS-R and CEO	On Going
23 March 2012	13.11	<p>MARBLE BAR TOWN SPLIT WHEN FLOODING</p> <p>Cr Stephen Kiernan</p>	CRES	This should be addressed through MB LEMC to find/seek suitable solutions and request	On Going

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		<p>said when there is a significant amount of rain, the town of Marble Bar splits into two because the creek cuts the town. This causes a problem with LEMC and how to get the residents to shelters.</p> <p>Coordinator Ranger and Emergency Services to follow up.</p>		to SOEP to implement.	
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS	Technical Services to review requirement of tender & length of contract before re-tendering	On Going
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
27 April 2012	9.1.7	POWER TO LEASE - RESERVE 44274 & 40409	MDS-P	Forwarded to DRDL for approval	On Going
27 April 2012	13.5	<p>PARKING WHELSH DRIVE</p> <p>Cr Doug Stead asked if it is possible to get proper car parking across from the Tyre Shop on Welsh Drive as the verge is becoming congested with people parking.</p> <p>Technical Services to review.</p>	DTDS	Vehicles parked on the verge are as a result of insufficient space being made available by businesses for their clients. Lots appear to be used as storage space for old vehicle/equipment and businesses are using the vacant verge as parking for vehicles to be serviced. A item has been included in draft budget 12/13 but requires further investigation on justification and funding sources	August 2012
27 April 2012	13.10	<p>TREE PLANTING FOR MAIN ENTRANCE - NULLAGINE</p> <p>Cr Darren Bennetts asked if trees can be planted at the main entrance into Nullagine.</p> <p>Technical Services to follow up.</p>	MTS-R	This area is within the Main Roads Reserve and as such will require approval from Main Roads. Approval and or comment have been requested from Main Roads to plant trees	On Going

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
				within the road reserve	
25 May 2012	11.2.1	LINFOX REQUEST TO ACQUIRE/LEASE PORTION OF LOT 36 KOONDRA LOCATION (OPPOSITE AIRPORT)	MDS-P	With Solicitor to follow up with RDL	On Going
25 May 2012	11.3.1	EXCISION OF PORTION OF RESERVE 41654 BEING LOT 511 KURRA STREET, NEWMAN	MDS-P	With RDL for actioning and approval	On Going November 2012
25 May 2012	13.3	WELSH DRIVE Cr Shane Carter said from Mia Mia to Klondyke Place the road has double white lines, as BHP have the bus stop and when the bus stops people go over the white line and going into the path of oncoming traffic. Is it possible for the Shire to clarify the legality of crossing the double white lines. Director Technical and Development Services to follow up.	DTDS	Under traffic Act you should not cross double white lines. Bus Stop location will be further investigated	August 2012
22 June 2012	9.3.5	PROPOSED CLOSURE OF PORTION OF MOONDOOROW STREET ROAD RESERVE ADJOINING LOTS 1326 & 1322, NEWMAN	MDS-P	Forwarded to DRDL	November 2012
22 June 2012	13.1	WATER QUALITY – MARBLE BAR Cr Stephen Kiernan said the water quality for Marble Bar is deteriorating and he as a resident would not drink the water. Cr Kiernan would like the Shire to request a report from the Water Corporation on the quality and composition. He also requested that the Shire of East Pilbara undertake independent sampling and testing. -	DTDS	Results of independent tests have arrived; water analysis indicates that it meets the required drinking guidelines for the parameters tested with the exception of hardness and total soluble salts. Water is safe to drink. The main effects is the inability of the water to lather easily and effect on hot water systems as for scaling is concerned	July 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Mr Rick Miller, Director Technical and Development Services to follow up		Comparison of results against guidelines will be tabled	
22 June 2012	13.3	KIRANG PLACE - FIRE HAZZARD Cr Doug Stead asked who is responsible for the property next to the units in Kirrang Place as the grass needs cutting. Mr Rick Miller, Director Technical and Development Services to follow up.	CRES	To be investigated and actioned as required by Ranger Services	July 2012
22 June 2012	13.4	NEWMAN - MARBLE BAR ROAD Cr Darren Bennetts said he gets lots of complaints regarding the state of the Newman to Marble Bar Road and Council needs to continue to push the WA Government to fix the problem.	DTDS	SOEP concerns have been ongoing and has been raised at the MRWA. Port Hedland & SOEP is also preparing support information for urgent upgrade through our economic development investigations	On Going
22 June 2012	13.5	MARBLE BAR ROADS GRADING Cr Lang Coppin gave a letter to Mr Rick Miller, Director Technical and Development Services from the Marble Bar Tourist Association regarding the grading of roads and putting up various directional signage. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	Technical Services to assess signage request and action as required. Grading requests passed onto Maintenance Staff	October 2012

9.3.2 CONTROLLED PARKING FEES AND CHARGES - NEWMAN AIRPORT

File No: FIN 23-10
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for a variation to the approved Fee and Charges structure for Controlled Parking at the Newman Airport long term car parks.

BACKGROUND

Council Resolution 201112/167 of 16 December 2011 adopted a Fees and Charges structure for Controlled Parking in all the car parks at Newman Airport. One aspect of this structure is that the first hour in the short term car park is free, with payment only starting from the second hour. This is to accommodate drop-off and pick-up of passengers using the short term car park as opposed to using the front of the house.

The rationale behind this change in traffic arrangements is to free up kerbside parking at the front of the airport for buses, as this mode of transport has increased dramatically over the past year. Access to vehicles other than busses, taxis, light utility and sedan vehicles onto Ruland Crescent and the short term car park has also been prohibited to further decongest that road and the front of the airport, and prevent large trucks from trying to gain access to the short term car park.

As opposed to the first hour being free in the short term car park, only the first ten minutes are free in the long term car parks. This is based on an industry standard that will allow a user to exit a car park without having to pay within that first ten minutes in the event that they could not find a vacant parking bay, or just having changed their minds.

Newman Primary School employs some teachers on the FIFO model. The cost of mobilising this component of their staff is born by the school and not by the Department of Education. This includes long term parking at the airport when such staff are on roster breaks.

COMMENTS/OPTIONS/DISCUSSIONS

Initial Free Period in the Long Term Car Parks

A number of industry support operators utilising Newman Airport in their FIFO staffing business models have virtually no other means of transport except large and heavy vehicles. With such vehicles prohibited from accessing the short term car park or front of the house for drop-offs and pick-ups, their only alternative is to use the large vehicle bays in Section D of the long terms car park. With only the first ten minute of parking being free, this does not allow enough time for such an activity or driver exchange without incurring a fee of \$10; as parking in the long term car parks is charged per day or part thereof.

Brian O'Byrne of John Nitschke Drilling contacted Manager Airport Services (MAS) in this regard and actually proposed the following:

"Thanks for your time today to discuss the issue of short term parking for our crews changing over in light trucks at the Newman airport.

Relevant points are:-

- 1. Our drill crews change over on Wednesday mornings, Wednesday evenings and Thursday evenings using 2 Isuzu dual cab light trucks for transport on each occasion.*
- 2. We are not permitted to take the light trucks into the short term car park, (a safety issue we agree with).*
- 3. The trucks have to be parked in the long term car park for around 45 minutes on each changeover of crews.*
- 4. The proposed fee structure in the long term car park does not offer 1 hour free as in the short term car park.*
- 5. We are not the only company which uses light trucks for changeover transport at the airport.*

We have no problem with the parking fees applied for long term stays of 1 full day or more but we feel that both car parks should have a free parking period to cater for changeover of crews.

We would appreciate it if you could please take up this matter with council.

On a positive note, we appreciate and agree with council's efforts at the airport to apply better traffic control and thereby make the entire area safer for all."

In adopting this proposal of the first hour in the long term car parks being free, the same opportunity is offered to operators using large vehicles as mode of transport to and from the airport as is the case for the other categories of users. It will further act as motivation to such operator to use that facility as exchange area and not try and find an alternative convenient area that is not designed nor intended for this purpose.

Newman Primary School Proposal

Another request/proposal has been received from Noel Morgan, Principle of the Newman Primary School:

“Good afternoon Leon,

My apologies for the delay in getting back to you with this information following our recent phone conversation but I wanted to talk to my staff and see roughly what the needs are.

To this end I expect that we would use the LTP at Newman terminal extensively in the remaining half of the year for short to medium term stays as follows:

(Until December 2012)

3 day stays: approximately 10 ($\$30.00 \times 10 = \$ 300$)

5 day stays: approximately 10 ($\$50 \times 10 = \500)

10 day stays: approximately 5 ($\$94 \times 5 = \$ 470$)

“Ball park” estimates put this at a cost of around \$1300 for the remainder of 2012. If we extrapolate these figures to 2013 for a full year, it could mean upwards of \$2600 for the school, which are considerable cost impacts upon us on top of the already high flights and accommodation costs required to send staff to Perth for training etc.

Additionally, it becomes an issue for us in terms of attraction and retention of teaching staff as it will see as yet another cost of living in Newman considering that allowances will not have increased in order to support covering these costs.”

In follow-up talks he requests Council to consider some form of relief from the parking fees for teaching staff. Whereas the projected full cost of \$2,600 for a full year is not considered to be excessive, Council could consider its role and obligations towards supporting the community through such a concession. It is feasible to issue such a user with Corporate Cards at a discount rate; either a daily discount rate or a flat rate per occasion. The latter option is more difficult to achieve through our current system, but a daily discounted rate of \$2/day can be programmed into existing cards formats. Such a discounted rate will offer the school a savings of around 70% while a modest income for the Airport is still achieved. Based on a projected income of some \$400,000 for year one this is a negligible loss in potential income.

Another consideration, however, is the fact that the Newman Primary School is not the only community service using FIFO staff. In granting such a concession to one such organisation will morally oblige Council to extend the same to other schools, health services, and other organisations within this category. The accumulative effect of such concessions will be much higher, but is not considered to be significant. The other consideration is that, it is the responsibility of these agencies to assess the impact of fees and to review their practices and arrangements to minimise these costs. This conclusion is based on the fact the vast majority of car park users is and will continue to be such patrons associated the mining industry and its support industries.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

An as yet undefinable but insignificant loss of potential income from paid parking at the Airport.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

1. **THAT Council adopts a variation to the approved Fees and Charges structure that will allow the first hour of parking in the long term car parks to be free so as to accommodate drop-off and pick-up using larger vehicles.**
2. **THAT Council staff investigate and assess feasibility of providing concessionary parking rates to other community agencies (eg school, health services).**

**9.3.3 USE OF SHIRE COMMON SEAL - SECTION 91 LICENCE OVER A
PORTION OF LOT 511 KURRA STREET, NEWMAN**

File No: A441654
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To advise Council on the use of the Shire Seal which was affixed to a Section 91 Licence under the Land Administration Act 1997 for the purposes of a mobile dental clinic to be located at the East Pilbara Independence Support premises.

BACKGROUND

Council at its Ordinary meeting held on 23 March 2012 resolved to support a proposal to allow a mobile dental clinic to be sited on Reserve 41654 being Lot 511 Kurra Street, Newman. In particular, the mobile clinic will be within the confines of the East Pilbara Independence Support (EPIS) premises on the said Reserve. Since such resolution, Shire officers have worked with both the Dentist in charge of the clinic and EPIS staff to identify a site at the premises and seek endorsement from the Department of Regional Development and Lands (State Land Services). As a result, State Land Services have agreed to allow the mobile clinic for a period of twelve (12) months, commencing on 1 June 2012 and ending on 31 May 2013, and such approval being in the form of a Section 91 Licence under the Land Administration Act 1997.

COMMENTS/OPTIONS/DISCUSSIONS

Both the Chief Executive Officer and Shire President have signed the Section 91 Licence and have affixed the Common Seal as required.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual 27th June 2010.

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

THAT Council acknowledge and accept the use of the Common Seal which was affixed to the Section 91 Licence for the purposes of allowing a mobile dental clinic at Reserve 41654 for a period of twelve (12) months).

**9.3.4 PROPOSED TOWN PLANNING SCHEME AMENDMENT - LOT 1
TROTMAN AVENUE AND LOTS 21 AND 22 GILES AVENUE, NEWMAN**

File No: PLN-2-2-16
Attachments: [A16.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 1 Trotman Avenue and 4 & 6 Giles Avenue,
Newman
Name of Applicant: Whelans
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required to initiate an amendment to Town Planning Scheme No. 4 for the purposes of rezoning Lot 1 Trotman Avenue and Lots 21 and 22 Giles Avenue.

BACKGROUND

Council is in receipt of a proposal received by Whelans on behalf of the property owners for the purposes of rezoning the subject lots. The proposal seeks Council's support of recoding the subject lots from "Residential R15" to "Residential R15/40". The primary zoning of the subject lots will remain unchanged as "Residential" as depicted by Clause 4.2(a) of Town Planning Scheme No. 4.

The applicant has based its request on the inherent shortage of available housing within the Newman townsite. Furthermore, the applicant points out that the surrounding lots on Trotman and Warman Avenue are already coded R15/40 as such lots were included in the strategic vision of creating the "Town Centre".

COMMENTS/OPTIONS/DISCUSSIONS

Town Planning Scheme No. 4:

With regards to the Planning Context within which the Newman townsite is currently governed, there are provisions relating directly to the use of the dual density R15/40 code whereby it is stated that use of the higher code will only be permitted provided there is a reticulated sewerage service, and where such development complies with Council's Residential Development Policy. It is noted that there is a reticulated sewerage connection available to all subject lots.

At present, Council's interim Residential Development Policy specifically notes that only areas within close proximity of the town site can be dual coded and/or are already dual coded and can be developed at the higher density. It should however be noted that Council has consistently approved developments at the higher density where lots are so coded but fall outside the policy area.

Furthermore, the development of housing is guided by the use of the Residential Design Codes which requires dwellings to meet acceptable development standards before being deemed compliant. When looking at the location of the subject lots, the proposal can be considered consistent with the surrounding lots albeit with the exception of those lots opposite on Giles avenue which remain at an R15 coding. At present, a large proportion of sites are being redeveloped on Warman and Trotman Avenue which are adjacent to the subject lots.

Local Planning Strategy:

With regards to the Local Planning Strategy, there are two specific areas to be made mention of. The first being the overall District Development Strategy which includes the following statements as "General Development Strategy":

- *Utilise orderly and proper planning as a means to assist employment and economic growth, by ensuring there is a sufficient supply of suitable land to satisfy demands for housing, commercial activities, industry, mining and rural activities, tourist developments, community facilities, recreation and open space.*
- *Maintain and improve the character and amenity of the built form and natural environment, and more specifically, promote choice, variety and quality of housing in residential neighbourhoods in a manner that increases the amenity and community identity.*

The two above strategic objectives both promote initiatives which will deliver greater housing availability and choice across the whole district in an effort to support continued growth and development within the district. The same above objectives are reiterated further in the Local Planning Strategy with direct reference to the Newman Townsite.

The applicant justifies its proposal through the following means:

- There is a shortfall of residential land supply within the Shire and specifically Newman;
- The proposal has the potential of creating at least three (3) additional lots to the Newman land supply;
- There is no environmental impact associated with the proposal;
- All lots have adequate service provision (power, water and sewer);

The applicants proposal documentation has been provided as an attachment.

On initial consideration of the proposal, and with particular regards to the location of the subject lots, given that lots opposite on Giles avenue are also currently zoned R15, the subject proposal has the potential of creating a conflict if in the future the lots could be further developed. Further to this, and subject to grant funding being received, it is the intention of the Shire to commence a Town Planning Scheme review which will consider the possible up-coding of lots within Newman. Therefore, it could be prudent of Council to implement a moratorium on rezoning until such time that a review is completed to avoid ad-hoc/piecemeal rezoning/developments.

However, in considering the subject amendment, if support were to be given to such and subsequently endorsement of the State, there is considered to be, at present, sufficient control within the Scheme and residential Policy with which to guide the potential development of the subject lots. In saying that, it is considered that the

proposed amendment can be deemed consistent with the Local Planning Strategy and should be supported for initiation by Council.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5, Section 75 of the Planning and Development Act 2005 (as amended) in addition to Regulation(s) 25 and 25AA of the Town Planning Regulations 1967. Should initiation be granted to the proposal, consent to advertise the proposal must be sought from the Western Australian Planning Commission and following such, submission to the Environmental Protection Authority for assessment. Should both stated agencies support the progression of the proposal, the amendment would be advertised for a period of not less than 42 days for agency and public comment. Following advertising, Council will be required to reconsider the proposal as well as submissions received.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land
Ongoing – Lobbying/Advocacy role
How funded – Municipal Funds
Responsible Directorate – Executive and Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product
Ongoing – Lobbying/Advocacy role
Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. In pursuance of Section 75 of the Planning and Development Act 2005 resolves to support the initiation to amend the Shire of East Pilbara Town Planning Scheme No. 4 by:
 - a. Rezoning Lot 1 Trotman Avenue and Lots 21 and 22 Giles Avenue , Newman from Residential R15 to Residential R15/40; and**
 - b. Amending the Scheme Maps accordingly.****
- 2. Numbers the proposed amendment No. 16 and forwards such amendment to the Western Australian Planning Commission in accordance with the Town Planning Regulations 1967 and to the Environmental Protection Authority in accordance with Section 81 of the Planning And Development Act 2005 prior to advertising in accordance with the Town Planning Regulations 1967.**

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**9.3.5 PROPOSED TOWN PLANNING SCHEME AMENDMENT - UNALLOCATED
CROWN LAND ON NEWMAN DRIVE, NEWMAN**

File No: PLN-2-2-17
Attachments: [A17.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Unallocated Crown Land adjoining Lot 688
Newman Drive, Newman
Name of Applicant: Megara Developments
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the initiation of an amendment to Town Planning Scheme No. 4 for the purposes of rezoning a portion of Unallocated Crown Land adjoining Lot 688 Newman Drive, Newman.

BACKGROUND

Council is in receipt of an application by Megara for the purposes of rezoning a portion of Unallocated Crown Land from "Community and Cultural Purposes" to "Special Use 15" of which such special use is for the purposes of "Residential and Tourist Accommodation".

Council is familiar with the existing residential development at Lot 688 Newman Drive which is nearing completion and a majority of the houses already being completed and purchased on the open market. The proposal for amending the Town Planning Scheme has been prepared by and submitted by the same developer whom undertook the development and as such, is proposing the expansion of the development to provide a further potential 43 residential lots.

The subject land is currently Unallocated Crown land subject to Native Title which Megara is currently in the process of purchasing from the State for the purposes of residential development. The Department of Regional Development and Lands has given its consent to Megara to apply for the rezoning and subsequently commence the process while simultaneously resolving Native Title and the purchase of such portion. The subject land is depicted in the attached document and directly adjoins existing Lot 688 development.

COMMENTS/OPTIONS/DISCUSSIONS

Town Planning Scheme No. 4:

The subject land is currently zoned for Community and Cultural Purposes of which the intent of such zone is to provide for land in suitable locations for activities such as educational, cultural, recreational and welfare like functions. The proposed

amendment proposes to rezone the subject portion of such land to Special Use 15 which was originally introduced for the purposes of developing Lot 688 for residential development. Attached to the Special Use are conditions which include the following:

- Development to comply with an Outline Development Plan approved by Council;
- Comply with the Residential Design Codes with a density up to a maximum of R60;
- Development to include water sensitive and passive solar design principles;
- Orientate dwelling openings to adopt to local conditions;
- Provide landscaping to create attractive living environs.

With regards to the above criteria of Special Use 15, the applicant has provided an Outline Development Plan (ODP) to be considered as part of the rezoning process, though not necessarily required at this point in time. However, initial assessment of the provided ODP indicates a lot layout not dissimilar to that which was already approved for Lot 688. It also provides an interface to the adjoining remainder Community and Cultural Purpose zoned land which would assist if such remainder of land were ever to be developed. With regards to housing density, the proposal does not exceed R50 which is below the maximum allowable for the proposed zone.

Local Planning Strategy:

The Local Planning Strategy indicates the subject land to have uses such as private recreation, short stay accommodation, possible mixed business/commercial and medium density housing. In terms of the identified uses, a proposal of residential would be a more conducive use given that there are proposals to expand business and commercial uses within the town centre and environs. Furthermore, the subject land is moving away from the town centre therefore not entirely appropriate to decentralise commercial activity away from planned centres. On that basis, it would be considered appropriate for the development of residential land at the subject site which would be in keeping with the Local Planning Strategy.

Newman Revitalisation Plan (NRP):

As part of the NRP, a town site growth plan was prepared and endorsed by both Council and the state government. The growth plan indicates the subject land to be planned for the purposes of medium density residential of which, the proposal is consistent with.

Servicing:

The applicant has indicated that if development of the site is permitted, all water, sewer and electricity services would be available. It is also indicated that to extend these services from the existing development would be a straight forward process given that the services are existing. However, all connections would require the approval of the relevant authority.

It should be noted however that there are some constraints by way of service corridors which affect the subject land. It is noted that the proposed area of land to be excised and purchased by the applicant is limited only by way of an existing overhead power line system and resulting easement. Therefore the southern boundary has been created by virtue of such existing infrastructure. Furthermore, there is currently a Drainage Easement which adjoins the southern boundary of Lot

688. It is proposed to incorporate this into the subject lot with a continued purpose of a drainage easement and with consideration of landscaping such so that it can have a limited amount of useability as open space for pedestrian movement as discussed previously with the Shire's Planner.

Site Access:

If development is permitted to occur, the applicant indicates that access to the future development would be via the existing access from Newman Drive into Lot 688. It is then proposed to create a new eight (8) metre wide communal access way from Lot 688 into the subject land with a circular road providing a frontage to all proposed lots. This is considered consistent with proper and orderly planning by not increasing the number of access points to Newman Drive.

Conclusion:

In considering the information provided above, it is deemed that the proposal to amend the Town Planning Scheme is consistent with Council's statutory and strategic Town Planning documents. The proposal would provide greater housing choice and increase available housing to meet a portion of the shortage currently being experienced within the Newman townsite. In assessing the proposed amendment, consideration should be given to the product already being provided by the applicant. Generally, the housing product supplied in addition to the civil works has been of a satisfactory standard and the same level would be expected to be attained should the proposal progress.

It is therefore recommended that Council support the initiation of the proposed amendment.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5, Section 75 of the Planning and Development Act 2005 (as amended) in addition to Regulation(s) 25 and 25AA of the Town Planning Regulations 1967. Should initiation be granted to the proposal, consent to advertise the proposal must be sought from the Western Australian Planning Commission and following such, submission to the Environmental Protection Authority for assessment. Should both stated agencies support the progression of the proposal, the amendment would be advertised for a period of not less than 42 days for agency and public comment. Following advertising, Council will be required to reconsider the proposal as well as submissions received.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

- 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land
Ongoing – Lobbying/Advocacy role
How funded – Municipal Funds
Responsible Directorate – Executive and Development and Regulatory Services
- 1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product
Ongoing – Lobbying/Advocacy role
Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

- 1. In pursuance of Section 75 of the Planning and Development Act 2005 resolves to support the initiation to amend the Shire of East Pilbara Town Planning Scheme No. 4 by:
 - a. Rezoning a portion of Unallocated Crown Land adjoining Lot 688 Newman Drive, Newman, to 'Special Use' zone with a 'SU 15' designation as shown on the Scheme Amendment Map; and**
 - b. Amending the Scheme Map accordingly.****
- 2. Numbers the proposed amendment No. 17 and forwards such amendment to the Western Australian Planning Commission in accordance with the Town Planning Regulations 1967 and to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 prior to advertising in accordance with the Town Planning Regulations;**
- 3. In addition to number 2 above, advertises the amended Outline Development Plan simultaneously for public comment and consider such comments simultaneously with any submissions received on the proposed Scheme Amendment.**

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**9.3.6 APPLICATION TO KEEP MORE THAN TWO DOGS - LEANNE ROSS, 13
BONDINI DRIVE, NEWMAN**

File No: A435146
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Geoff Smith
Shire Ranger
Location/Address: 13 Bondini Drive, Newman
Name of Applicant: Leanne Ross
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 13 Bondini Drive, Newman.

BACKGROUND

Ms Leanne Ross has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs at the premises of 13 Bondini Drive, Newman WA 6753.

In the application signed by Ms Leanne Ross, a resident of Newman who owns two dogs registered with Shire of East Pilbara the Jack Russell belongs to her son who now lives at same address.

The details of the dogs are as follows:

DOG (breed)	SEX	COLOUR	REGISTRATION NUMBER	STERILISED Y/N
1.Kelpie X	F	Black & White	B20501	
2.Kelpie X	F	Red	B20948	
3.Jack Russell	F	Black/White/Tan	Not registered	

COMMENTS/OPTIONS/DISCUSSIONS

On Wednesday 11th April 2012 Rangers received a complaint of barking dogs at 13 Bondini Drive. Upon investigation found more than two dogs on the premises, spoke to resident. No three dog application lodged at the time.

Residents were advised to apply for a three dog application at this time.

Residents applied for three dogs on the 17th April 2012.

On Wednesday 19 of July 2012 at 1030 hours Shire Ranger, Geoff Smith inspected the property at 13 Bondini Drive, Newman for the purpose of observing the behaviour of the applicants dogs in their environment, to view the yard condition, the dogs feeding and sleeping arrangements.

The applicants son, Alex Ross was in attendance and was asked as to the dogs feeding and sleeping arrangements. They are fed and sleep in the residence. The fencing meets the requirements of keeping the dogs on the property. Side and rear fences are flush with the ground.

Gates to the yard have no gaps; these are on either side of the house. The carport gate has a padbolt for latching closed fitted and no gaps

The dogs barked when I went to the carport gate on my arrival and had to be quietened by the resident (Alex) at the house.

The dogs are friendly.

There is minimal faeces in the yard, the visit was not pre-arranged, and the yard was tidy.

As required in the investigation process, surrounding neighbours were surveyed. Six (6) houses in Bondini Drive received, hand delivered the prescribed survey form. There are no houses behind the applicant.

Two negative responses were received from the survey. These were excessive barking complaints.

Due to the barking issues a log has been kept and forwarded to Rangers.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 (as amended) Section 26
Shire of East Pilbara Dogs Local Law (2000) clause 3.2.2

The *Dog Act (1976)* allows the local government to control the number of dogs by local laws. The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises situated in a townsite.

Section 26(3) of the Dog Act (1976) states:

Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) may be revoked or varied at any time.*

Section 26(5) of the Dog Act 1976 allows for an aggrieved applicant to appeal to the Minister of Local Government if the application is unsuccessful or to vary the conditions set by the local government.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council not approve the application to keep more than two (2) dogs to Ms Leanne Ross of 13 Bondini Drive, Newman for the following reasons:

- 1. The fencing around the property is secured and the yard is not visible from street level.**
- 2. Two negative responses received from the survey due to barking.**
- 3. All dogs barked when gate at carport approached.**
- 4. All dogs barked as I left residence.**
- 5. Two (2) dogs are registered.**
- 6. One (1) dog to be rehomed /removed from property.**

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

- 11 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

- 12 GENERAL BUSINESS**

- 13 DATE OF NEXT MEETING**
24th August 2012, Newman

- 14 CLOSURE**