



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, Nullagine,
10.00 AM, FRIDAY, 28 JUNE, 2013.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	4
2.1	ATTENDANCES	4
2.2	APOLOGIES	4
2.3	LEAVE OF ABSENCE	4
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
4	PUBLIC QUESTION TIME	4
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	4
5.1	NULLAGINE/IRRUNGADJI OVAL	4
5.2	MARTU TRUST SCHOOL HOLIDAY PROGRAM AND THE BLUE HOUSE DECOMMISSIONING	5
6	APPLICATIONS FOR LEAVE OF ABSENCE	5
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	5
7.1	CONFIRMATION OF MINUTES.....	5
8	MEMBERS REPORT	5
8.1	ITEMS FOR RECOMMENDATION	5
8.2	ITEMS FOR INFORMATION.....	5
9	OFFICER'S REPORTS	6
9.1	CHIEF EXECUTIVE OFFICER.....	6
9.1.1	CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MAY 2013.....	6
9.1.2	AFFIXING THE COMMON SEAL TO EMPLOYMENT CONTRACT OF MANAGER BUILDING ASSETS.....	9
9.1.3	EXTRA ORDINARY ELECTION - LOWER CENTRAL WARD ...	11
9.1.4	CORRUPTION AND CRIME COMMISSION - REPORT ON THE REVIEW OF THE CAPACITY OF LOCAL	

	GOVERNMENTS IN THE PILBARA TO PREVENT IDENTIFY - DEAL WITH MISCONDUCT- 16TH APRIL 2013	15
9.1.5	NEW POLICY - ACCESS TO LOCAL GOVERNMENT PROVIDED SERVICES.....	19
9.1.6	5 YEAR PLAN FOR THE TOWN OF NULLAGINE 2013-2018 - COMPILED BY CONCERNED RESIDENTS OF NULLAGINE - APRIL 2013.....	25
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	30
9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MAY 2013.....	30
9.2.2	AFFIXING THE COMMON SEAL TO THE NEWMAN EVENTS CONTRACT - STRUT AND FRET PRODUCTION HOUSE PTY LTD	33
9.2.3	FUNDING AGREEMENT BETWEEN SHIRE OF EAST PILBARA AND THE MARBLE BAR TOURIST ASSOCIATION INC.	35
9.2.4	AMENDED AUDIT COMMITTEE MEETING DATES 2013	40
9.2.5	NEWMAN EVENTS - HEADLINE ACT FOR 2013	43
9.2.6	PURCHASING AND TENDER PROCEDURES POLICY UPDATE	52
9.2.7	ADOPTION OF AMENDED CORPORATE BUSINESS PLAN ...	64
9.2.8	ADOPTION OF LONG TERM FINANCIAL PLAN.....	67
9.2.9	ADOPTION ON AMENDED COMMUNITY STRATEGIC PLAN.	71
9.2.10	ANNUAL REVIEW - CODE OF CONDUCT 2013.....	74
9.2.11	RECORD KEEPING PLAN - COMPLIANCE WITH STATE RECORDS ACT 2000	79
9.2.12	2013/2014 RATES NOTICE - REQUEST TO CHANGE FROM UNIMPROVED VALUE TO GROSS RENTAL VALUE	83
9.2.13	RATES MINING TENEMENTS ASSESSMENTS.....	87
9.2.14	SUNDRY DEBTORS FOR WRITE OFF	91
9.2.15	MONTHLY FINANCIAL STATEMENTS APRIL 2013	97
9.2.16	CREDITORS FOR PAYMENT.....	100

9.2.17	ANNUAL REVIEW OF POLICY MANUAL.....	104
9.3	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES .	109
9.3.1	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - MAY 2013.....	109
9.3.2	USE OF SHIRE COMMON SEAL - AGREEMENT RELATING TO CONDITION OF CARETAKER'S DWELLING PLANNING APPROVAL	113
9.3.3	EMERGENCY SERVICES REVIEW - OPTION TO TRANSFER LOCAL BUSH FIRE BRIGADES IMPACT ASSESSMENT	115
9.3.4	FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 18.....	119
9.3.5	FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME ANEMDMENT NO. 19 AND ROAD CLOSURES	123
9.3.6	PROPOSED ROAD CLOSURE - DOHERTY STREET, NULLAGINE	127
9.3.7	NEW POLICY - SUBDIVISIONAL DEVELOPMENT	131
9.3.8	SCREENING AUTHORITY - NEWMAN AIRPORT	135
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	144
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	144
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	144
13	GENERAL BUSINESS.....	144
14	DATE OF NEXT MEETING	144
15	CLOSURE	144

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 OAM
Cr Anita Grace
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Kevin Danks
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

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

Mrs Sheryl Pobrica

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Cr Shane Carter
Cr Dean Hatwell

Officer Apologies

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 NULLAGINE/IRRUNGADJI OVAL

On behalf of the Nullagine/Irrungadji Oval Steering Group Ms Gae Synnott, Synnott Mulholland Management Services Pty Ltd, Mr Leon Van Erp, Western Desert Sports Council Inc and a Community Member will be providing update on the project of greening the Nullagine/Irrungadji Oval.

5.2 MARTU TRUST SCHOOL HOLIDAY PROGRAM AND THE BLUE HOUSE DECOMMISSIONING

Ms Rosie Sandover, RPM Project Management for Martu People Limited (Martu Trust), Ms Annabel Landy and Mr Shaun Peterson (Martu Trust) will be providing a presentation on the Martu Trust School Holiday Program and the Blue House decommissioning.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes May 24 2013 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 24 May 2013, be confirmed as a true and correct record of proceedings.

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 - MAY 2013

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Chief Executive Officer for May 2013 be received.

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

28 JUNE, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 September 2012	13.5	INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman.	CEO	Shortlist Compiled	
8 February 2013	9.1.12	LEASE - LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF "TOWN CONSTRUCTION FLY CAMP", NEWMAN	CES	Subject to Ministerial approval of lease prices	
15 March 2013	9.1.1	NEW POLICY – EQUITY AND ACCESS	CEO	Corporate Discussion May 2013	
15 March 2013	10.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	CEO	To be completed	
15 March 2013	10.1.3	ENDORSEMENT OF THE SHIRE OF EAST PILBARA REPEAL LOCAL LAW 2013	CES	Advertised	
19 April 2013	9.1.5	DEVELOPMENT ASSESSMENT PANELS: LOCAL GOVERNMENT NOMINATIONS	CES	Letter sent for DAP assessment panel nominations	
24 May 2013	9.1.3	5 YEAR PLAN FOR THE TOWN OF NULLAGINE 2013-2018 - COMPILED BY CONCERNED RESIDENTS OF NULLAGINE - APRIL 2013	CEO	Agenda June 2013	

**9.1.2 AFFIXING THE COMMON SEAL TO EMPLOYMENT CONTRACT OF
MANAGER BUILDING ASSETS**

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

REPORT PURPOSE

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

BACKGROUND

Council recently employed Mr Glenn Britton, Manager Building Assets, for a two year contract term, expiring on 6 May 2015.

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 Glenn Britton, Manager Building Assets for a term of two years, expiring on 6 May 2015.

9.1.3 EXTRA ORDINARY ELECTION - LOWER CENTRAL WARD

File Ref: CLR-2-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To fix an election day for the extra ordinary election to be held for the Lower Central Ward.

BACKGROUND

Cr Darren Bennetts resigned from the position of Councillor for the Lower Central Ward effective from the 4th June 2013.

Therefore a vacancy now exists and an extra ordinary election needs to be held. Generally the Election Day for an extra ordinary election cannot be held later than four months after the vacancy occurs, without the permission of the Electoral Commissioner.

As the 2013 Local Government Elections will be held on the 19th October it is proposed to seek the Electoral Commissioner's approval to hold the extra ordinary election at the same time as the biennial election.

COMMENTS/OPTIONS/DISCUSSIONS

Either to hold the extra-ordinary election on another date or to seek the Electoral Commissioner approval.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

2.34. How extraordinary vacancies occur in offices elected by council

- (1) The office of a member of a council as a councillor mayor or president, deputy mayor or deputy president becomes vacant if the member —
 - (a) ceases to be a councillor under section 2.32; or
 - (b) resigns from the office; or
 - (c) does not make the declaration required by section 2.29(2) within 2 months after being elected to the office; or
 - (d) being the deputy mayor or deputy president, is elected by the council as mayor or president of the council.

- (2) A person who holds an office referred to in subsection (1) immediately before an ordinary elections day continues to hold that office after that day (whether or not he or she ceases to be a councillor on that day) until his or her term of office ends under item 11 or 12 of the Table to section 2.28.

Division 4 — Extraordinary elections

4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an ***extraordinary election***.

4.9. Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advise the CEO of the day fixed.

4.20. CEO to be returning officer unless other arrangements made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —
 - (a) an election; or
 - (b) all elections held while the appointment of the person subsists.

** Absolute majority required.*

- (3) An appointment under subsection (2) —
 - (a) is to specify the term of the person's appointment; and

- (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.
- * Absolute majority required.*
- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Funding will be from 2013/14 budget allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT

1. Council seek approval from the Electoral Commissioner under section 4.9(2) of the Local Government Act 1995 to hold the extra ordinary election for the Lower Central Ward on the 19th October 2013.
2. Subject to 1 being approved, that in accordance with section 4.20(4) of the Local Government Act 1995 Council declare the Electoral Commissioner to be responsible for the conduct of the extra ordinary election; and
3. Council decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

**9.1.4 CORRUPTION AND CRIME COMMISSION - REPORT ON THE REVIEW OF
THE CAPACITY OF LOCAL GOVERNMENTS IN THE PILBARA TO
PREVENT IDENTIFY - DEAL WITH MISCONDUCT- 16TH APRIL 2013**

File Ref: ADM 6-3
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To acknowledge receipt of the report and to determine further actions.

BACKGROUND

In June 2011 the Corruption and Crime Commission carried out a review of all Pilbara local Government to assess the approach to misconduct risk and misconduct management.

A number of interviews were held with staff and the Shire President. Staff were also able to make comment on the draft.

A full copy of the report is attached.

The report made two recommendations, those being

1. The Commission recommends that the Shire of Ashburton, the Shire of East Pilbara, the Town of Port Hedland and the Shire of Roebourne continue to develop and formal, comprehensive and effective management strategy and system.
2. The Commission recommends that by the 30th June 2013, Shire of Ashburton, the Shire of East Pilbara, the Town of Port Hedland and the Shire of Roebourne report their progress in developing effective misconduct management strategies and systems to the Department of Local Government.

COMMENTS/OPTIONS/DISCUSSIONS

As indicated in the report Local Government has numerous legislative obligations to assist in dealing with misconduct and also a number of policies and procedures in place already.

However, more is required.

Reviews have commenced such as the probity audit, review of purchasing policy and now a review of staff guidelines and procedures are being undertaken.

However, as a direct response to the report it is suggested that Council adopts a Fraud and Corruption Prevention Policy. This policy requires the development of a Fraud and Corruption Prevention Management Plan which will be developed over the coming months if the policy is accepted.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making
Financial Implications

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council;

- 1. Receive the Corruption and Crime Commission Report on the review of the capacity of Local Government in the Pilbara to prevent, identify and deal with misconduct.**
- 2. Adopt the Fraud and Corruption Prevention Policy as detailed below.**
- 3. Develop the Fraud and Corruption Prevention Management Plan by 30th September 2013.**
- 4. Advice the Department of Local Government of these actions as a response to the Corruption and Crime Commission Report.**

FRAUD AND CORRUPTION PREVENTION POLICY

Minute No:

Date:

POLICY

The objectives of the Fraud and Corruption Prevention Policy are to –

- articulate that the Shire of East Pilbara is intolerant of fraud and corruption;
- prevent fraud or corruption occurring at the Shire of East Pilbara.

This policy applies to all Staff, Elected Members, and Contractors' working for the Shire as fraud and corruption control is the responsibility of everyone in or associated with the Shire.

DEFINITIONS / ABBREVIATIONS USED IN POLICY

Australian Standard 8001–2003 defines fraud as:

'dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position.'

For the purposes of this policy corruption is defined as:

"An act done with an intent to give or receive some advantage or benefit inconsistent with official duty and the rights of others. It includes bribery. "

POLICY

It is to be recognised that fraud and corruption is illegal and contrary to the organisational values of the Shire of East Pilbara. In view of this, a proactive stance is taken to ensure incidences of fraudulent or corrupt activities or behaviours do not occur. Whilst the Shire aims to foster a culture which upholds trust and honesty as part of its core values, it is acknowledged that not everyone may share those values. As such, the Shire will ensure that the effective prevention of fraud and corruption is an integral part of its operating activities.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control. The Shire encourages staff to disclose actual or suspected fraudulent or corrupt activity. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate legal remedies available under the law will be pursued. All alleged incidences will be investigated thoroughly. Where appropriate, the Shire will protect the anonymity of those responsible for reporting the activity.

The Shire will ensure that systems and procedures are in place to prevent, detect, report and investigate incidents of fraudulent or corrupt behaviour or activities and will ensure that staff are trained in and aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

A Fraud and Corruption Prevention Plan has been developed to assist to meet the objectives of this policy by ensuring that it has thorough, up-to-date procedures in place to mitigate the risk of fraud or corruption occurring in the organisation.

The success of this policy will be determined by the staff being aware of their responsibilities in relation to fraud and corruption prevention and control, the identification, treatment and recording of fraud or corruption risks, fraud or corruption auditing and detection processes, reporting responsibilities and obligations and investigation procedures.

9.1.5 NEW POLICY - ACCESS TO LOCAL GOVERNMENT PROVIDED SERVICES

File Ref: LEG-2-1
Attachments: [Previous agenda.docx](#)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Coope
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider adopting a new policy on “Access to Local Government Provided Services”.

BACKGROUND

At the Council meeting on the 15th March 2013, Cr Bennetts put forward a request for a new policy to be created on “Equity and Access”.

The resulting motion on item 9.1.1 was as follows:

THAT Shire staff prepare a draft policy – Equity and Access to formally acknowledge the Shire’s commitment to provide fair and equal distribution of resources (according to need), to all the Shires residents.

In response to the motion a policy has been prepared titled “Access to Local Government Provided Services”. Cr Bennetts was given a copy of the draft policy, no feedback received.

The draft policy was also presented to the May 2013 Corporate Discussion Session.

The policy would need to be read conjunction with the following corporate documents in mind.

- ❖ Community Strategic Plan
- ❖ Newman Tomorrow
- ❖ Marble Bar Prospect Us
- ❖ Nullagine Prospect Us

COMMENTS/OPTIONS/DISCUSSIONS

A copy of the previous agenda item and the draft policy is attached.

Council can adopt or decline the policy as presented.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 1 – Introductory matters

1.3 Content and intent

- (2) This Act is intended to result in –
 - (a) better decision-making by local governments; and
 - (b) greater community participation in the decisions and affairs of local governments; and
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

POLICY IMPLICATIONS

New Policy Making Guidelines:

- 1. Draft policies are to be in standard format and include policy objectives and the policy statement.
- 2. Discuss reasons for the policy with your supervisor and prepare an amended/final draft.
- 3. The Policy is to be presented and discussed at the Executive Management meeting.
- 4. The Policy is to be presented at Corporate Discussion for input from Councillors.
- 5. The Policy will then be presented to Council for adoption and inclusion in the Policy Manual.

Note: New Policies or major amendments will not be permitted at the annual review of the Policy Manual.

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

- 2.4.1 Promote diverse, harmonious and caring communities
- 2.4.4 Equity and opportunities for all

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the policy on Access to Local Government Provided Services as detailed below.

ACCESS TO LOCAL GOVERNMENT PROVIDED SERVICES POLICY

Minute No:

Date:

Objective

The Shire of East Pilbara recognises the need to provide access to local government services to all residents of the Shire of East Pilbara.

The purpose of this policy is to ensure that Council will do its best endeavours to ensure that all residents are aware of and have access to services that are provided by the Local Government, according to need and relevance.

Also, to ensure the allocation of necessary resources to meet the needs of the communities it serves.

Policy

The Shire of East Pilbara firmly believes an accessible and inclusive community is one in which all Council functions, facilities and services are open, available and accessible to all residents, ensuring that all residents are provided with the same opportunities, rights and responsibilities according to need and relevance.

The Shire of East Pilbara is committed to ensuring that each one of our communities and its residents within the municipality has accessibility to municipal services according to need and relevance thus ensuring they feel included within the community they are residing in.

The Shire of East Pilbara:

- recognises that all residents are valued members of the community who make a variety of contributions to social, economic and cultural life;
- believes that a community that recognises its diversity and supports the participation and inclusion of all of its residents, makes for a richer community life;
- believes that all residents should be supported to continue to live within the community of their choice;
- is committed to consulting with residents, in addressing perceived or real barriers to relevant local government services; and
- is committed to the allocation resources of (financial and human) to meet the needs of the communities it serves.

Outcomes:

1. to ensure all residents have opportunities to access the services of, and any events organised by, the Shire of East Pilbara.
2. to ensure that information is available to all residents on the services provided by the Shire of East Pilbara.
3. that all residents receive the a level and quality of service, subject to needs and relevance.

This page has been intentionally left blank

**9.1.6 5 YEAR PLAN FOR THE TOWN OF NULLAGINE 2013-2018 - COMPILED
BY CONCERNED RESIDENTS OF NULLAGINE - APRIL 2013**

File Ref: CSV-12-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To review any action required out of the 5 year plan for the Town of Nullagine 2013-2018 compiled by concerned residents of Nullagine – April 2013.

BACKGROUND

The report was first presented to Council at the May 2013 meeting item 9.1.3 at the time Council resolved the following:

- 1. Receive the document as tabled.*
- 2. Have staff prepare a list of items that could be considered maintenance items.*
- 3. Consider the information contained in the document in the next review of Prospectus – Future Direction for Nullagine.*

Further information that has been received it would appear that the document was pre-prepared and presented to those who attended the gathering. Staff are still unsure if there was any input allowed from those who attended.

A copy of the document and spread sheet containing comments on the plan is attached.

COMMENTS/OPTIONS/DISCUSSIONS

Council employ a Manager Technical Services, two works crew, a caravan park caretaker, a part time library officer and gym attendant when possible in Nullagine.

The staff do the utmost to keep on top of the work load and at times they can be stretched to undertake duties what others see as important, but they prioritise as they determine appropriate.

Other support, both in staff and infrastructure resources are available to assist in the workload and to the residents of Nullagine.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nullagine Prospect Us

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.1 Increase community awareness

FINANCIAL IMPLICATIONS

Maintenance items are budgeted for annually. Capital Works are subject to budget allocation. A review of the Marble Bar and Nullagine Prospect Us has been budgeted for in the 2013/14 draft budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT

- 1. The information be received, and**
- 2. Maintenance items be undertaken as soon as is physically possible and is within budget limits.**

5 YEAR PLAN FOR THE TOWN OF NULLAGINE		
SERVICE	DETAIL	COMMENT
	MULTI PURPOSE CENTRE	WAS PROPOSED AS A LABOR PARTY STATE ELECTION PROMISE AT A VALUE OF \$8MILLION - WILL NEED TO BE CONSIDERED IN THE REVIEW OF PROSPECT US
ENVIRONMENT	REVIEW WASTE STRATEGY	DEC NOT IN FAVOR OF RELOCATING TIP AND WOULD PREFER SITE CLOSED AND TRANSFER STATION ESTABLISHED DUE TO SITE BEING UNCONTROLLED
	IMPLEMENT TREE PLANTING PROGRAM	ONGOING THROUGH COUNCIL RESOURCES
	DOG CONTROL	SUBJECT TO STAFFING LEVELS - CONTROLS ARE THROUGH THE DOG ACT AND REGULATIONS AND THE DOGS LOCAL LAW
	LAND RELEASE	SUBJECT TO STATE GOVERNMENT PROCESS - DISCUSSIONS HAVE BEEN ONGOING FOR A NUMBER OF YEARS REGARDING LAND RELEASE POSSIBILITIES
	MOWING	ONGOING THROUGH COUNCIL RESOURCES
	CONTROL BURNING	SHOULD BE UNDERTAKEN IN CONJUNCTION WITH BUSH FIRE BRIGADE
	DUMP SITE	WILL BE CONSIDERED - THERE IS ONE LOCATED IN MARBLE BAR
TOURISM	SIGNAGE	SIGNAGE IS CONTINUALLY BEING REPLACE AND UPGRADED
	CARAVAN PARK	TOWN IS SUBJECT TO FLOODING - LACK OF AVAILABLE LAND AND PROBABLY COST PROHIBITIVE
	TOURIST INFORMATION	COULD BE CONSIDERED BY THE CRC OR SOME INFORMATION AVAILABLE AT THE LIBRARY
	INFORMATION BAY	NEEDS FURTHER INVESTIGATION
	GARDEN POOL	NEEDS FURTHER INVESTIGATION - ISSUES CLEANING AND VANDALISM
	ENTRY STATEMENT	MONEY ALLOCATED IN THE 2013/14 DRAFT BUDGET SUBJECT TO COUNCIL ALLOCATION
	THE TOWN WELL	NEEDS FURTHER INVESTIGATION - UNSURE OF LAND OWNERSHIP

CONSTRUCTION	FOOTPATHS	ADDITIONAL FUNDS PROVIDED FOR IN THE 2013/14 DRAFT BUDGET SUBJECT TO COUCIL ALLOCATION
	FOOTBRIDGE	CONSIDER IN REVIEW OF PROSPECT US - MAY BE COST PROHIBITIVE
	A WALKWAY	FURTHER INVESTIGATION REQUIRED - MAY BE LAND OWNERSHIP ISSUES
	ABLUTION BLOCK	MONEY ALLOCATED IN THE 2013/14 DRAFT BUDGET SUBJECT TO COUNCIL ALLOCATION
	SHADE SHELTERS	MONEY ALLOCATED IN THE 2013/14 DRAFT BUDGET SUBJECT TO COUNCIL ALLOCATION
	CAR PARK/TRUCK TURNAROUND	FURTHER INVESTIGATION REQUIRED - MAY BE LAND OWNERSHIP ISSUES
UPGRADING	CEMETERY	MAINTENANCE IS ONGOING - SHADE STRUCTURE IS INCLUDED IN THE 2013/14 DRAFT BUDGET SUBJECT TO COUNCIL ALLOCATION
	RADIO FACILITIES	ORDER ISSUED AT LEAST 6 WEEKS AGO
	CATTLE GRIDS	MAINTENANCE IS CARRIED OUT - MEETS CURRENT SPECIFICATIONS
	THE WAR MEMORIAL	PERCEPTION ONLY OF SITING - SIGNAGE BEING CONSIDERED
	STREET SWEEPER	SWEEPER IS SHARED WITH MARBLE BAR
	DROP DUST SIGNS	WILL REQUEST MAIN ROADS TO INCREASE SIZE OF SIGNAGE
ONGOING SERVICES	BUS SERVICE	SUBJECT TO ONGOING FUNDING BY BOTH DEPARTMENT OF TRANSPORT AND COUNCIL
	MARBLE BAR ROAD STRATEGY	ONGOING COUNCIL STRATEGY - PRIORITY
	SCHOOL P&C FUND RAISING EVENTS	NOT SURE WHAT THIS RELATES TO
	HOLIDAY PROGRAM	RUN BY MARTU TRUST
	EARLY YEARS PROGRAM	COUNCIL SUPPORTS THE "BETTER BEGINNINGS" PROGRAM
	VARIETY SCHOOL BUS	NO PLAN TO CEASE THE SERVICE AT THIS TIME

This page has been intentionally left blank

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- MAY 2013**

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer for May 2013 be received.

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

28 JUNE, 2013

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 Council report in draft to be presented to Council in May 2013	On Going
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO	Pre-Start 20/06/2013	On Going
24 May 2013	9.2.5	CORPORATE BUSINESS PLAN	DCEO	June 2013 Agenda	
24 May 2013	9.2.7	DRAFT BUSINESS CASE - COWRA TOURIST AND RECREATION PRECINCT	DCEO		On Going
24 May 2013	9.2.9	DRAFT BUSINESS CASE - MARTUMILI INFRASTRUCTURE PROJECT	DCEO		On Going

**9.2.2 AFFIXING THE COMMON SEAL TO THE NEWMAN EVENTS CONTRACT -
STRUT AND FRET PRODUCTION HOUSE PTY LTD**

File Ref: LEG-13-1
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 Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for Strut and Fret Production House Pty Ltd to undertake the management and organisation of the Newman Events Project.

BACKGROUND

At the Council meeting held on the 15th March, 2013, council resolved to request tenders for the provision of the festivals and events for the township of Newman, (Newman Events Project). Resolution 201213/311.

Following this Resolution the Shire called for Tenders for the Newman Events Project, and following the evaluation process, Strut and Fret Production House Pty Ltd were contracted for the Newman Events Project for a period of two years. A Contract has been prepared and signed by the consultant, Strut and Fret Production House Pty Ltd.

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the affixing of the Common Seal to the Newman Events Contract for Strut and Fret Production House Pty Ltd.

**9.2.3 FUNDING AGREEMENT BETWEEN SHIRE OF EAST PILBARA AND THE
MARBLE BAR TOURIST ASSOCIATION INC.**

File Ref: ORG-11-8
Attachments: [2013 MOU SOEP - MBTA.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Marble Bar
Name of Applicant: Marble Bar Tourist Association Inc.
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of the renewal of the Funding Agreement and Memorandum of Understanding (MOU) between the Shire of East Pilbara and the Marble Bar Tourist Association Inc.

BACKGROUND

At the March 2011 Ordinary Council meeting, Resolution 201011/191, the Shire of East Pilbara and the Marble Bar Tourist Association Inc. entered into a funding agreement dated 1st April 2011 – 31 January 2013 for an amount of \$8,800 (inc. GST) payable to the Association each year by the Shire.

COMMENTS/OPTIONS/DISCUSSIONS

Both parties have worked collaboratively since April 2011, aiming to increase visitor numbers into the township of Marble Bar and also extending tourists length of stay in the East Pilbara.

This agreement has since expired and both parties are seeking to renew both the Agreement and the associated MOU.

Date changes have been made to the documents as requested by the Shire and the Associated requested the deletion of the previous requirement for them to produce an annual budget. All other details within these two documents remain the same.

Council can adopt, amend or reject the tabled Financial Agreement and associated MOU.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.9 Tourism – Objectives and Guidelines

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquillity of the Shire is not destroyed, affected or diminished.
 - (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
 - (c) To encourage tourist orientated commercial development, particularly development of a “country style” nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.
 - (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
 - (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
 - (f) To carry out direct promotion of tourist facilities and events where appropriate.
 - (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
 - (h) To foster and create a community awareness of the benefits of tourism within Council’s area.
 - (i) To ensure that Council will guide and influence the development of tourism in the Council area.
-

- (j) To provide the basic facilities and infrastructure sufficient to encourage development.
- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.
- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.

- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.1 Business diversification and promotion

3.1.3 Encourage tourism

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Endorse the Memorandum of Understanding dated the 1 June 2013 between the Shire of East Pilbara and the Marble Bar Tourist Association Inc.**
- 2. Endorse the Funding Agreement dated 1 June 2013 between the Shire of East Pilbara and the Marble Bar Tourist Association Inc.**

This page has been intentionally left blank

9.2.4 AMENDED AUDIT COMMITTEE MEETING DATES 2013

File Ref: FIN-21-2
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Angela McDonald
Manager Finance and Administration
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to set the amended meeting dates of the Audit Committee for the 2013 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with the auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

The dates for the meetings have been amended due to staff leave and in order to complete the annual financial statements for the year ending 30 June 2013, including Council adoption by the 31st December 2013.

STATUTORY IMPLICATIONS/REQUIREMENTS

12. Public notice of council or committee meetings – s. 5.25(g)
- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

The Local Government Act 1995 states:

- 5.25. Regulations about council and committee meetings and committees
- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –

(g) the giving of public notice of the date and agenda for council or committee meetings;

POLICY IMPLICATIONS

The Policy Council Meetings – Dates and Times states in part:
“Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council’s Delegations Manual.”

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopts the amended dates for the 2013 Audit Committee meetings for the 2013 year as listed below and advertise in accordance with the Local Government (Administration) Regulations.

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
7th March 2013 (meeting held)	1st Thursday	8:00am	Newman
18th July 2013	3rd Thursday	8:00am	Newman
10th October 2013	2nd Thursday	8:00am	Newman
5th December 2013	1st Thursday	8:00am	Newman

9.2.5 NEWMAN EVENTS - HEADLINE ACT FOR 2013

File Ref: LEG-13-1-19
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider not tendering for acts for the 2013 Outback Fusion Festival given the unique nature of contracting these services. It is suggested that a Public Tender is not required as per s11(2)(f) of the *Local Government (Functions and General) Regulations 1996*, and the Chief Executive Officer be delegated authority to enter into appropriate contracts for these services.

BACKGROUND

At the March 2013 Ordinary Council meeting, Resolution 201213/310, Council entered into a financial agreement with BHP Billiton Iron Ore for the management and organisation of the Newman Events programme for an amount of \$850,000 over a two year period. The event programme includes the yearly Outback Fusion Festival which will offer medium to large profile acts and performers. The budget of this event is approximately \$180,000 each year.

Newman Events Managers, Strut & Fret, who have been employed by the Shire of East Pilbara to manage the programme as per Council Resolution 201213/361, have indicated that the cost to secure medium to high profile acts and performers for this event maybe in the vicinity of over \$100,000. Acts of such calibre are booked through exclusive agents, and it is therefore not possible to obtain three quotes for such performers, as they are unique in nature and it is unlikely there is more than one potential supplier.

COMMENTS/OPTIONS/DISCUSSIONS

Consultation has taken place between the Manager Community Wellbeing with the Events Manager at the Shire of Roebourne who advised that at their Ordinary February Council meeting of this year, the Council approved to not tender for headline acts for their Red Earth Arts Festival, but instead, issued the CEO the required Delegated Authority to enter appropriate contracts for these services.

STATUTORY IMPLICATIONS/REQUIREMENTS

Under s11(2)(f) of the *Local Government (Functions and General) Regulations 1996*, a tender does not need to be publicly invited if the local government has reason to believe that because of the unique nature of the goods or service to be supplied, that there can only be one supplier or that exclusive supply arrangements are in place.

Division 2 — Tenders for providing goods or services (s. 3.57)

11. *When tenders have to be publicly invited*

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*

(f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier;*

5.43 Limits on delegations to CEO states

A local government cannot delegate to a CEO any of the following powers or duties –

.....

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph

POLICY IMPLICATIONS

10.12 Purchasing and Tender Procedures

Minute No: Item 9.1.6

Date: 27th June 2003

5th May 2006

9.3.5 27th April 2007

9.4.1 24th July 2009

9.1.6 29th January 2010

9.2.5 11 March 2011

9.1.8 3 February 2012

9.2.4 25 May 2012

9.2.7 28 July 2012

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)
- Field Officer – Martumilli
- 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 \$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 *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.

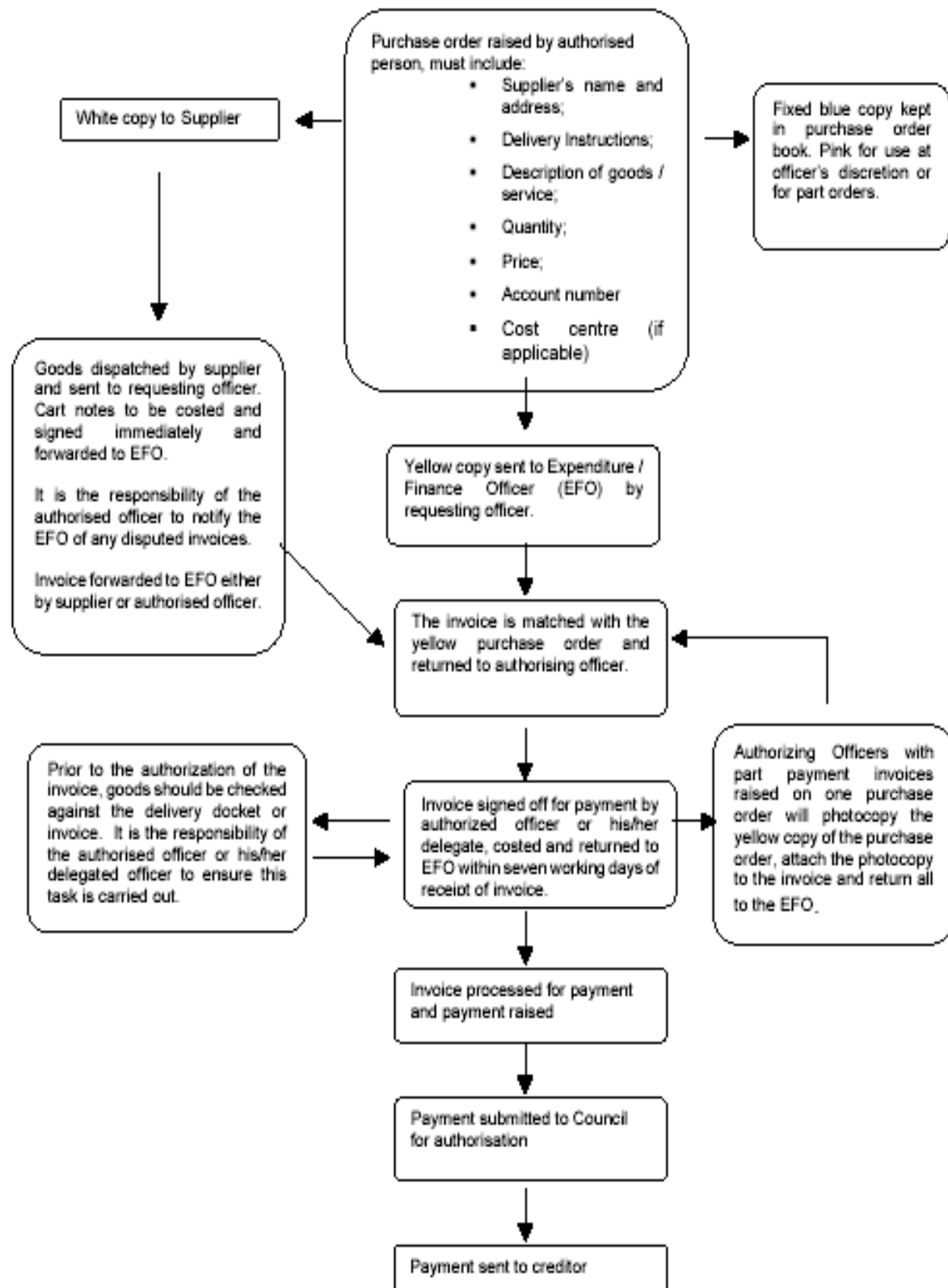
1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. 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 2000*.

1.4 Order Procedure Flow Chart



STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council, by Absolute majority, pursuant to Section 3.18 *Local Government Act 1996* and in accordance with s11(2)(f) of the *Local Government Act (Functions and General) Regulations 1996*, resolves to:

- 1. NOT invite Requests for Tenders to secure acts and performers for the 2013 Outback Fusion Festival as the services sought are of a unique nature and there can be only one supplier of these specific services.**
- 2. Delegate authority to the Chief Executive Officer to enter into appropriate contracts to secure acts and performers for the 2013 Outback Fusion Festival not exceeding the value of \$150,000.**

9.2.6 PURCHASING AND TENDER PROCEDURES POLICY UPDATE

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
9.2.5 11th March 2011
9.1.8 3rd February 2012
9.2.4 25th May 2012
9.2.7 28th July 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:~~

~~\$0 - \$2050~~ Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.

~~\$521 - \$52,000~~ Under direction from the authorised supervisor, a purchase order will be utilised without quotes necessarily being obtained.

~~\$52,001 - \$39,99930,999~~ Under direction from the authorised supervisor, the capital purchase order 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 order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable

~~\$340,0010 - \$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 order will be utilised and three written quotes shall be obtained.

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

\$100,000 & greater Under direction from the authorised supervisor, ~~and in consultation with the Chief Executive Officer~~ tenders will be invited ~~and the applicable order book shall be utilised as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.~~

Capital Expenditure

~~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 a~~ 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.**

Formatted: Font: Bold

~~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 a requisition~~ is to be ~~countersigned by the~~ authorised ~~by their~~ supervisor prior to the order being issued:

~~• Managers~~

~~• Coordinator Property Services~~

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

~~• Co-ordinators~~

~~• Works Supervisor (Newman & Marble Bar)~~

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

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

~~• Duty Officers – Newman Aquatic Centre~~

~~• Team Leader – Works Crew (Newman)~~

~~• Field Officer – Martumilli~~

~~• 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 cut 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 set up to create purchase orders in Synergy. 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.

Prior to the authorization of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorized officer or their delegated officer to ensure this task is carried out and that the authority

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 Council's 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 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*.~~

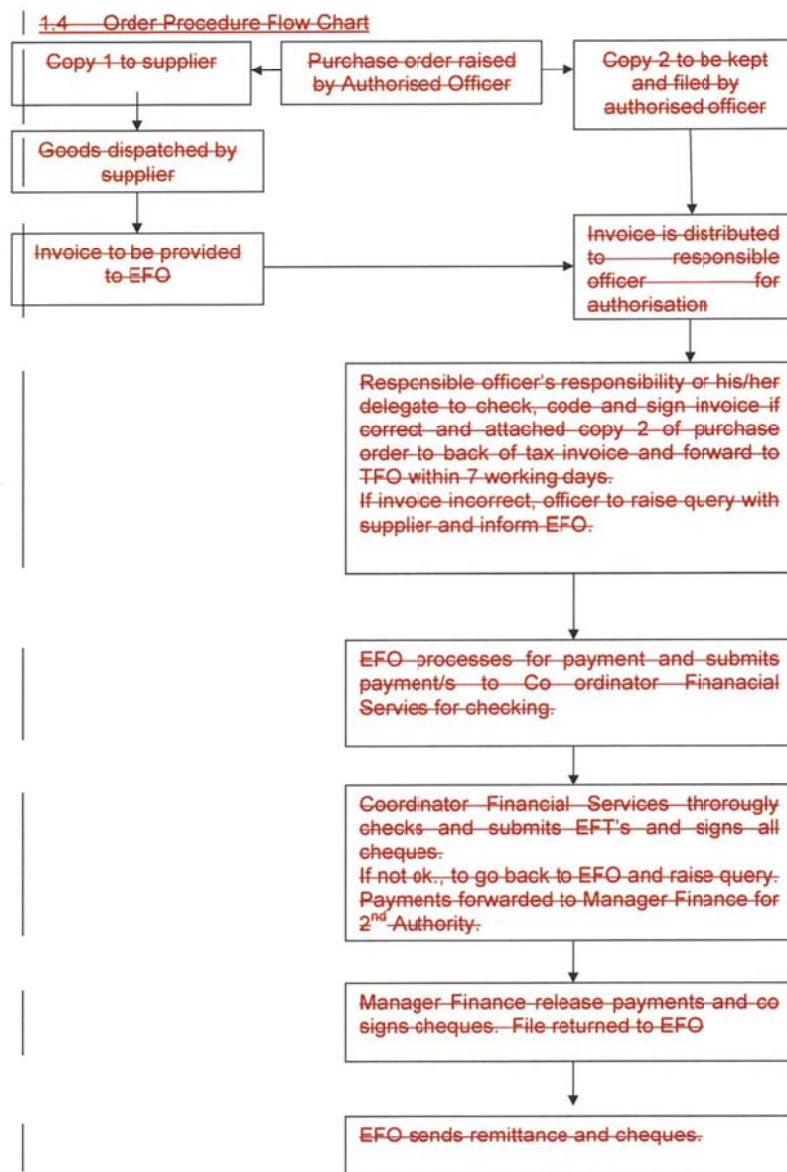
~~In relation to the inviting of any tenders, the following policy procedures are to apply:~~

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

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



PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

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

10.12 Purchasing and Tender Procedures

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

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.

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order will be utilised without quotes necessarily being obtained.

\$5,001 - \$39,999	Under direction from the authorised supervisor, the capital purchase order will be utilised and three verbal or written quotes shall be obtained.
\$30,001 - \$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 order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

Capital Expenditure

All capital purchase orders (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.

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

- Managers
- Coordinator Property Services

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

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

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

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

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

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 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*
- *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.

9.2.7 ADOPTION OF AMENDED CORPORATE BUSINESS PLAN

File Ref:	STR-3-1
Attachments:	<u>Shire of East Pilbara Draft Corporate Business Plan 100513v3 docx</u>
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 amended Corporate Business Plan as presented.

BACKGROUND

At the 24th May 2013 Council meeting, Council resolved the following by absolute majority:

THAT Council,

- 1. Endorse the adoption of the Corporate Business Plan as presented.*
- 2. Authorise public notice be given of the adoption of the Corporate Business Plan.*

COMMENTS/OPTIONS/DISCUSSIONS

The Corporate Business Plan was forwarded to the Department of Local Government for review. The following feedback has been received:

"Thank you for sharing with us a copy of the Shire's draft CBP. We note that the Shire is on track to meet all of the regulatory requirements for a CBP, but there's a recommendation to please revisit the timeframes of the plan. Currently the plan, which is still to be adopted, is providing for a financial year that is almost over. Extending the timeframe to 2016/17 – both on the front page and in the tables provided on pages 38-71 - will provide for the minimum four years as per the regulations."

The document has therefore been updated to reflect the Department's recommendation.

STATUTORY IMPLICATIONS/REQUIREMENTS

LGA - Part 5 - Administration (Division 5 - Annual reports and planning) 5.56.
Planning for the future (pg 160); and
Regulation Local Government (Administration) 19CB and 19D.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT COUNCIL

- 1. Adopt the amended Corporate Business Plan as presented;**
- 2. Authorise public notice be given of the adoption of the amended Corporate Business Plan.**

This page has been intentionally left blank

9.2.8 ADOPTION OF LONG TERM FINANCIAL PLAN

File Ref: STR-3-11
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 10 year Long Term Financial Plan as adopted.

BACKGROUND

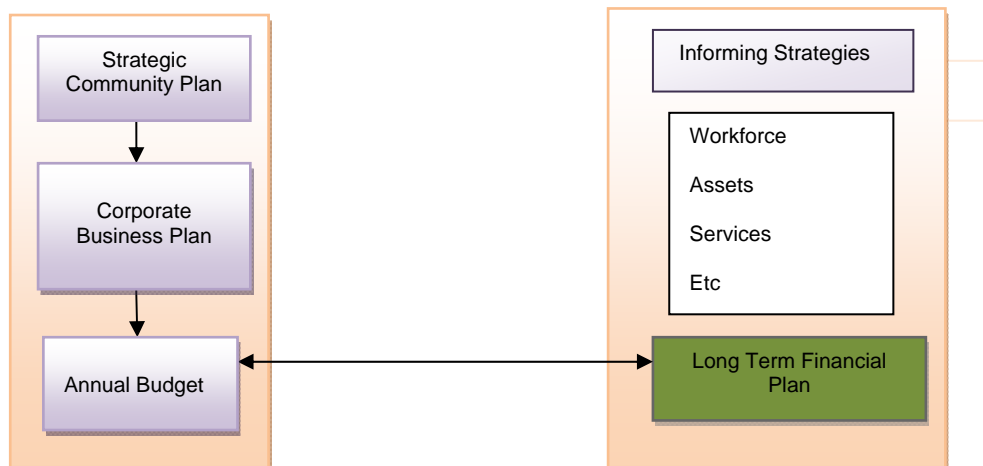
The Department of Local Government (DLG) has released a number of local government reform initiatives to strengthen the ability of local governments to deliver services to the community. A key initiative of the Local Government Reform is long term financial planning

Long term financial planning is a key element of the Integrated Planning and Reporting Framework. It enables local governments to set priorities, based on their resourcing capabilities, for the delivery of short, medium and long term community priorities.

The Long Term Financial Plan (LTFP) is a ten year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. From these planning processes, Annual Budgets that are aligned with strategic objectives can be developed.

The LTFP indicates a local government's long term financial sustainability, allow early identification of financial issues and their longer term impacts, show the linkages between specific plans and strategies, and enhances the transparency and accountability of the Council to the community.

The figure below illustrates how the LTFP informs the Integrated Planning and Reporting Framework:



COMMENTS/OPTIONS/DISCUSSIONS

The first four years of the LTFP incorporates key strategic projects identified in the Corporate Business Plan with the first year being the Annual Budget. The remaining six years of the LTFP as derived from the extension of the key assumptions over the timeframe.

The LTFP consists of three main scenarios. These scenarios are a Base Case, a growth scenario and a growth plus major projects scenario. Also included in the plan is three scenarios based on the sensitivity factors described below:

Base Case

This scenario is the “Base Case” scenario that models the long term financial sustainability of Council. The base case scenario assumes that if Council continues to provide services and infrastructure on the same basis and service standard as it currently delivers. In particular, this scenario includes:

- The forecasted workforce resource requirements, as identified in the Workforce Plan, to continue to deliver the current services provided by Council.
- The capital operational, maintenance and renewal programs as identified in the Asset Management Plans, and the Capital Works Program.

Growth Scenario

This scenario incorporates population growth and the corresponding revenue opportunities and demand for new or extended service provision.

Growth Plus Major Projects Scenario

This scenario extends the Growth Scenario to include the impact of the major projects identified in the Corporate Business Plan. Both the capital component and

any associated ongoing operational revenue and expenditure arising from the development of the new facilities or assets have been identified and included.

SENSITIVITY FACTORS

INCREASED PRESSURE FROM RESOURCE SECTOR

This sensitivity assesses the impact of increased pressure on workforce and contract staff, as rates are driven by the demand created by the resource sector.

Factor	Change	Reason
Employee Costs	6% annual increase (2% higher than base case) in employee costs for the next 4 years	Pressure on Council to meet annual regional labour force cost increases
Materials and Contracts	6% annual increase (2% higher than base case) in materials and contract costs for the next 4 years	Pressure on Council to compete with the external sector for resources and services

CONTRACTION OF THE RESOURCE SECTOR

This sensitivity assesses the impact of a contraction in the local resources sector. Council would likely experience a reduction in revenue, which would be offset by reduced pressure on salary and wages.

Factor	Change	Reason
Contributions	5% decrease in contribution dollars over next 4 years	Reduction in export returns/ lower profitability of mining sector
Salary and Wages	Index annual increase by CPI rather than 4%	Higher unemployment and larger potential employee pool

CONTRACTION OF FEDERAL/STATE BUDGETS

This sensitivity assesses the impact of a contraction in Commonwealth and State funding streams.

Grant	Change	Reason
Federal Grant – Roads to Recovery	An annual 5% decrease in level of funding over the next 4 years	Budget deficit/tightening of Commonwealth assistance
Main Roads WA – Regional Road Group	An annual 5% decrease in level of funding over the next 4 years	Budget deficit/tightening of state assistance

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Local Government Act 1995 - 5.56. Planning for the future
Regulations - Part 5 - Administration (Division 5 - Annual reports and planning)

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council adopt the 10 year Long Term Financial Plan as presented.

9.2.9 ADOPTION ON AMENDED COMMUNITY STRATEGIC PLAN

File Ref:	STR-3-3
Attachments:	<u>Amended Page - Resourcing the Plan.docx</u>
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 amended Community Strategic Plan as presented.

BACKGROUND

At the 8th February 2013 Council meeting, Council resolved the following by absolute majority:

THAT Council endorse the adoption of the Strategic Community Plan document.

COMMENTS/OPTIONS/DISCUSSIONS

The Strategic Community Plan was forwarded to the Department of Local Government for review. The following feedback has been received.

"This is a great plan and meets most of the regulatory requirements and recommended practices. But it would appear that additional information is still required to meet the 'resourcing capability' regulation. The recommended practices for this are discussed in more detailof the IPR standard...."

Page 34 of the original document has therefore been amended to reflect the Department's comments and is attached.

STATUTORY IMPLICATIONS/REQUIREMENTS

Statutory Implications/Requirements

LGA - Part 5 - Administration (Division 5 - Annual reports and planning) 5.56.
Planning for the future (pg 160); and
Regulation Local Government (Administration) 19CB and 19D.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Adopt the amended Community Strategic Plan as presented;**
- 2. Authorise public notice be given of the adoption of the amended Community Strategic Plan.**

This page has been intentionally left blank

9.2.10 ANNUAL REVIEW - CODE OF CONDUCT 2013

Attachments:	Code of Conduct 2013.docx
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 review and adopt an up to date Code of Conduct.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

There have been no major amendments to the Code of Conduct. The only minor change was the formatting of the document into the Shire's template.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act (1995) Part 5 - Administration (Division 9 - Conduct of certain officials)

5.103. Codes of conduct

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

[(2) deleted]

- (3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.

Local Government (Rules of Conduct) Regulations 2007

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

PART 9 — CODES OF CONDUCT

34B. Codes of conduct about gifts, content of (Act s. 5.103(3))

- (1) In this regulation —

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

gift has the meaning given to that term in section 5.82(4) except that it does not include —

- (a) a gift from a relative as defined in section 5.74(1); or
- (b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

notifiable gift, in relation to a person who is an employee, means —

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

prohibited gift, in relation to a person who is an employee, means —

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

- (2) A code of conduct is to contain a requirement that a person who is an employee refrain from accepting a prohibited gift from a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

- (3) A code of conduct is to contain a requirement that a person who is an employee and who accepts a notifiable gift from a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion,

notify the CEO, in accordance with subregulation (4) and within 10 days of accepting the gift, of the acceptance.

- (4) A code of conduct is to require that the notification of the acceptance of a notifiable gift be in writing and include —

- (a) the name of the person who gave the gift; and
- (b) the date on which the gift was accepted; and
- (c) a description, and the estimated value, of the gift; and

- (d) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (e) if the gift is a notifiable gift under paragraph (b) of the definition of ***notifiable gift*** in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —
 - (i) a description; and
 - (ii) the estimated value; and
 - (iii) the date of acceptance,of each other gift accepted within the 6 month period.
- (5) A code of conduct is to require that the CEO maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under subregulation (3).

[Regulation 34B inserted in Gazette 21 Aug 2007 p. 4190-1.]

34C. Codes of conduct about disclosing interests affecting impartiality, content of (Act s. 5.103(3))

- (1) In this regulation —

interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A code of conduct is to contain a requirement that a person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) A code of conduct is to contain a requirement that a person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person disclose the nature of any interest the person has in the matter —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the time the advice is given.
- (4) A code of conduct is to exclude from a requirement made under subregulation (2) or (3) an interest referred to in section 5.60.
- (5) A code of conduct is to excuse a person from a requirement made under subregulation (2) or (3) to disclose the nature of an interest if —
 - (a) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (b) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- (6) A code of conduct is to require that if, to comply with a requirement made under subregulation (2) or (3), a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting then —
 - (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (7) If —
 - (a) to comply with a requirement made under subregulation (2), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (b) a disclosure is made as described in subregulation (5)(b) at a meeting; or
 - (c) to comply with a requirement made under subregulation (6)(b), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the Code of Conduct 2013 as presented.

This page has been intentionally left blank

**9.2.11 RECORD KEEPING PLAN - COMPLIANCE WITH STATE RECORDS ACT
2000**

File Ref: ADM-4-1
Attachments: [Record Keeping Plan.docx](#)
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 endorse the new Record Keeping Plan (RKP) for compliance with the State Records Act 2000. (Attached under separate cover)

BACKGROUND

The purpose of an organisation's Record Keeping Plan is to set out the matters about which records are to be created by the organisation and how it is to keep its records. The Plan is to provide an accurate reflection of the record keeping program within the organisation, including information regarding the organisation's record keeping system, disposal arrangements, policies and procedures. The RKP is the primary means of providing evidence of compliance with the Act and that best practices have been implemented in the organisation.

The RKP has been amended to reflect the template supplied by State Records Office.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara's updated Record Keeping plan is attached for Council's consideration.

STATUTORY IMPLICATIONS/REQUIREMENTS

State Records Act 2000, Part 3, requires government organisations to submit a Record Keeping Plan.

**PART 3 — RECORD KEEPING PLANS FOR GOVERNMENT ORGANIZATIONS
DIVISION 1 — GENERAL**

16. Content of plans

- (1) A record keeping plan in respect of a government organization is a record setting out —
 - (a) the matters about which records are to be created by the organization; and

- (b) how the organization is to keep its government records.
- (2) A government organization's record keeping plan must —
 - (a) comply with principles and standards established by the Commission under section 61; and
 - (b) ensure that the government records kept by the organization properly and adequately record the performance of the organization's functions; and
 - (c) be consistent with any written law to which the organization is subject when performing its functions.
- (3) Without limiting subsection (1), a record keeping plan must set out —
 - (a) those government records that will be State archives; and
 - (b) those State archives that will be restricted access archives and the ages at which they will cease to be restricted access archives; and
 - (c) the retention period for those government records that are not State archives; and
 - (d) the systems to ensure the security of government records and compliance with the record keeping plan.

Note: **retention period** is defined in section 3.

- (4) A record keeping plan may set out the manner in which records will be created.
- (5) A record keeping plan may provide —
 - (a) for a government record to be reproduced in another form;
 - (b) for the destruction of a government record if a reproduction of it is being kept, even though the destruction occurs at a time when the record would otherwise not be able to be lawfully destroyed.
- (6) A government organization's record keeping plan may provide that some or all of the organization's State archives —
 - (a) are never to be transferred to the State archives collection under section 32(1); or
 - (b) are to be transferred at a time other than that prescribed by that section.

17. Effect of plans

A government organization's record keeping plan must be complied with by —

- (a) the government organization; and
- (b) every government organization employee of the organization.

Local Government Act 1995, Section 5.41(h) Role of the CEO, includes that the records and documents are properly kept by the local government.

5.41. Functions of CEO

The CEO's functions are to —

- (a)

- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i)

POLICY IMPLICATIONS

Council does not have a policy on Records Management. Adoption of the plan would not require Council to formalise a policy as the plan is an administrative function.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- (1) Endorse the updated Shire of East Pilbara Record Keeping Plan as attached under separate cover; and**
- (2) Apply the Record Keeping Plan to all staff and Councillors.**

This page has been intentionally left blank

**9.2.12 2013/2014 RATES NOTICE - REQUEST TO CHANGE FROM UNIMPROVED
VALUE TO GROSS RENTAL VALUE**

File Ref: A480008
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Angela McDonald
Manager Finance and Administration
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider changing the property valuation method, for Lot 44 Great Northern Highway Newman, from Unimproved Value (**UV**) to Gross Rental Value (**GRV**) from the 2013/14 year.

BACKGROUND

By letter dated 23 November 2012, Numans Group Pty Ltd (**Numans**) submitted a request to Council to change the property valuation method, for Lot 44 Great Northern Highway Newman, from UV to GRV.

The property has historically rated as an unimproved property as it is outside the Newman Townsite, and zoned rural under the Town Planning Scheme.

Numans previously asked that the method of valuation on this property now be changed to GRV, given the fact that the development had been granted for an accommodation village and tourist caravan park. However, upon reviewing the Department of Local Government guidelines for 'Changing Methods of Valuation of Land', it was considered that the valuation method should not be changed at this stage.

At paragraph 57 of the guidelines :

"The issuing of planning, building and other development approvals give a clear indication of what improvements are occurring or are likely to occur on the land. A review of predominant use can begin at this stage but an application to change the method of valuation should be left until development has substantially commenced."

Building works for the 500 person accommodation village and/or tourist caravan park had not commenced on this property as at 8th February 2013 and building licences had not been issued. Therefore, following the guidelines issued above, the process to change the method of valuation was not to be commenced. It is only once the building has been substantially commenced, that the method of valuation should be changed.

Council can write-off debts owing to Council under section 6.12(1)(c) of the *Local Government Act 1995*, as it did when pastoral UV's increased significantly without warning.

However, given the significant increase of rates from \$530 in 2011/12 to \$147,494.50 in 2012/13, it was suggested that Council consider phasing in the valuation over three years by writing off the debt owing in excess of that amount until it can consider changing the valuation from UV to GRV. For example:

Year Rates Amount to be written off

Year	Rates	Amount to be written off
Year 1	\$49,164.83	\$98,329.67
Year 2	\$98,329.67	\$49,164.83
Year 3	\$147,494.50	

Although, changing the property to a GRV rating in the future may not reduce the amount of rates ultimately payable.

At the 8 February, 2013 Council voted in favour of phasing in the valuation over a three year period. Due to Numans not being happy about this an application was lodged by Numans for a hearing with the State Administration Tribunal which was subsequently withdrawn on the 6th June 2013.

COMMENTS/OPTIONS/DISCUSSIONS

Numans have now requested to change the property valuation method from UV to GRV for the 2013/14 year. Building works have now commenced at the site and the following are either completed or due for completion at the end of June 2013:

- 18 x 4 bedroom single storey buildings completed (72 rooms)
- 2 x laundry buildings completed
- Kitchen/Dining facility completed
- 6 x 6 bedroom two storey buildings due for completion end of June 2013 (36 rooms)
- 2 x 3 bedroom disabled buildings due for completion end of June 2013 (6 rooms)
- Administration Office, Recreation Room and First Aid/Ablution due for completion end of June 2013

As per the Department of Local Government guidelines for 'Changing Methods of Valuation of Land' it is considered that the valuation method can be changed as the building works have been substantially commenced as per paragraph 57:

"The issuing of planning, building and other development approvals give a clear indication of what improvements are occurring or are likely to occur on the land. A review of predominant use can begin at this stage but an application to change the method of valuation should be left until development has substantially commenced."

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

6.28 Basis of rates

- (1) The Minister is to –
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be –
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.
- (5) Where during a financial year –
 - (a) an interim valuation is made under the *Valuation of Land Act 1978*; or
 - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
 - (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force,the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

Valuation of Land Act 1978 – Part 1 Preliminary – Section 4 - Definitions

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

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

No current financial implication. Will be included in 13/14 budget.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Support the proposal to change the method of valuation, for Lot 44 Great Northern Highway Newman, from Unimproved Value to Gross Rental Value from the 2013/2014 year as building works at the site have now substantially commenced.**
- 2. Endorse the process of changing the method of valuation including application to the Department of Local Government.**

9.2.13 RATES MINING TENEMENTS ASSESSMENTS

Attachments: [Exploration Licences Act of Grace.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Deb Thoars
Rates Revenue Finance Officer

Location/Address: N/A

Name of Applicant: Meteoric Resource

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to write off rates levied on Mining Tenements for 2012/13 financial year and apply the minimum rate of \$200.00.

BACKGROUND

Further to Council Resolution 28th September 2012 - 201213/71, *THAT Council defer item 9.2.10 Rates Mining Assessments pending further information.*

Meteoric Resource wish to request waiving of Shire rates on the granted tenements until such time as a dispute between the native title parties is resolved and a Ministerial Permit to enter the tenements is granted. Despite having granted tenements and an Access Agreement signed by the Kiwirikurra Community (the Tjamu Tjamu Aboriginal Corporation), the Ngaanyatjarra Land Council, which holds the leases on the Kiwirikurra aboriginal reserve has refused to sign the Access Agreement and as a result a Ministerial Permit to enter cannot be obtained. Thus through no fault of its own, Meteoric Resources is unable to enter its tenements until this dispute is resolved. Meteoric Resource met with Department of Mines and Petroleum resulting in advice received that an application for waiving tenements rents would be favourably received under the circumstances and this application is currently being processed.

Further information provided from Meteoric Resources stating that the Mines Department refunded the 2012/13 rent on the following tenements totalling \$17,114.88 as per documentation attached. Further confidential documentation is available from the Deputy Chief Executive Officer substantiating this claim.

COMMENTS/OPTIONS/DISCUSSIONS

Assessment #	Owner	Property ID	Amount	Details
A700816	Meteoric Resources NL Tenement Managed by McMahon Mining Title Services Pty Ltd	E80/4235	\$2,310.39 - 200.00 \$2,110.39	Tenement granted 22 April 2010. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Ngaanyatjarra land Council (NLC). See attached correspondence.

Assessment #	Owner	Property ID	Amount	Details
A701118	Meteoric Resources NL Tenement Managed by McMahon Mining Title Services Pty Ltd	E80/4407	\$990.17 - 200.00 \$790.17	Tenement granted 18 May 2011. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Ngaanyatjarra land Council (NLC). See attached correspondence.

Assessment #	Owner	Property ID	Amount	Details
A701205	Jane and John McIntyre Tenement Managed by McMahon Mining Title Services Pty Ltd	E80/4506	\$2,805.47 - 200.00 \$2,605.47	Tenement granted 23 August 2011. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Ngaanyatjarra land Council (NLC). See attached correspondence.

STATUTORY IMPLICATIONS/REQUIREMENT

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 4 - Payment of rates and service charges) 6.47. Concessions (pg 248)

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Reduction in collection of rates totalling \$5,506.03

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council waive the full amount of \$5,506.03 which is the rates levied on the tenements and the minimum amount of \$200.00 for Exploration Licence be applied for the 2012/13 financial year until such date that the access has been given and written correspondence received of the new date in force for charges.

This page has been intentionally left blank

9.2.14 SUNDRY DEBTORS FOR WRITE OFF

File Ref: FIN-10-2
Attachments: [Letter from Temcrown Pty Ltd pdf](#)
Responsible Officer: Ms Sian Appleton
 Deputy Chief Executive Officer
Author: Ms Lauren Bailey
 Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to write off uncollectible debt to the value of \$9,305.75

BACKGROUND

As per table below, outlines invoice/s that remain outstanding for over 3 months as of 30th May 2013.

COMMENTS/OPTIONS/DISCUSSIONS

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
BHP Billiton Exploration	55908	\$595.00	Whaleback Arena Hire on the 14 th and 21 st February 2012	There is no purchase order listed for this invoice, old paperwork has been found and a purchase order was not attached. Contact with the Recreation Centre has been made to go through archive boxes to source a purchase order, nothing was found. As there is no purchase order, we cannot enter it onto the BHP system for payment.

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
Change 2 Solutions	57988	\$1,235.00	Accommodation & meals at Newman hotel motel for Colin McKinnan-Dodd & Charles Tic	All attempts have been made to find contact details for this company, nothing was found, all reminders have been sent to the only address we have listed.

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
Nullagine Road House	2010: 53134	2010: \$27.50	Rubbish collection from November to December 2010	All attempts have been made to find new contact details for this company, nothing was found, all reminders have been sent to the only address we have listed.
	53135	\$11.00		
	53328	\$22.00		
	Total	\$60.50		
	2011: 54168	2011: \$11.00	Rubbish Collection from January to December 2011	We have called and left messages on several occasions and no one returns the calls, or letters in the mail.
	54607	\$11.00		
	53985	\$27.50		
	53627	\$19.25		Attached is a letter from the new

	54342	\$13.75		management of the Roadhouse Valda Morony of Temcrown Pty Ltd.
	53459	\$22.00	Low Risk for 2011/12	
	55362	\$46.75		
	54854	\$13.75		
	55472	\$35.75		
	55027	\$16.50		
	53800	\$19.25		
	55211	\$35.75		
	54495	\$200.00		
	Total:	\$472.25		
	2012:	2012:	2012:	
	55643	\$38.50		
	57266	\$46.75	Rubbish Collection from January to December 2012	
	58056	\$44.00		
	56397	\$44.00		
	56583	\$55.00		
	57081	\$22.00	Food Premises Surveillance fee 2012/13	
	56326	\$41.25		
	56125	\$33.00		
	57732	\$52.25		
	57743	\$55.00	Re- Registration	
	56838	\$22.00		
	58855	\$132.00		
	56787	\$200.00		
	57473	\$450.00		
	53030	-\$274.75		
	Total:	\$961.00		
	Grand Total:	\$1,493.75		

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
Puntukurnu Aboriginal Medical Centre	57643	\$5,982.00	On charge for Monster Ball Equipment	PAMS staff advised verbally that this money would be forthcoming for the Monster Ball equipment. On receipt of the invoice PAMS informed Youth Centre staff that the staff member had no authority to authorize payment and they would not pay invoice.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Reduction in Sundry Debtors totalling \$9,305.75. An amount of \$10,000 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT the Sundry Debtors listed below be written off:

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
BHP Billiton Exploration	55908	\$595.00	Whaleback Arena Hire on the 14 th and 21 st February 2012	There is no purchase order listed for this invoice, old paperwork has been found and a purchase order was not attached. Contact with the Recreation Centre has been made to go through archive boxes to source a purchase order, nothing was found. As there is no purchase order, we cannot enter it onto the BHP system for payment.

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
Change 2 Solutions	57988	\$1,235.00	Accommodation & meals at Newman hotel motel for Colin McKinnan-Dodd & Charles Tic	All attempts have been made to find contact details for this company, nothing was found, all reminders have been sent to the only address we have listed.

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
Puntukurnu Aboriginal Medical Centre	57643	\$5,982.00	On charge for Monster Ball Equipment	PAMS staff advised verbally that this money would be forthcoming for the Monster Ball equipment. On receipt of the invoice PAMS informed Youth Centre staff that the staff member had no authority to authorize payment and they would not pay invoice.

DEBTOR	INVOICE	AMOUNT	DESCRIPTION	COMMENTS
Nullagine Road House	2010: 53134	2010: \$27.50	Rubbish collection from November to December 2010	All attempts have been made to find new contact details for this company, nothing was found, all reminders have been sent to the only address we have listed.
	53135	\$11.00		
	53328	\$22.00		
	Total	\$60.50		
	2011: 54168	2011: \$11.00	Rubbish Collection from January to December 2011	We have called and left messages on several occasions and no one returns the calls, or letters in the mail.
	54607	\$11.00		
	53985	\$27.50		
	53627	\$19.25		
	54342	\$13.75		
	53459	\$22.00		
	55362	\$46.75		
	54854	\$13.75		
	55472	\$35.75		
	55027	\$16.50		
	53800	\$19.25		
	55211	\$35.75		
	54495	\$200.00		
	Total:	\$472.25		
	2012: 55643	2012: \$38.50	Rubbish Collection from January to December 2012	Attached Is a letter from the new management of the Roadhouse Valda Morony of Temcrown Pty Ltd.
	57266	\$46.75		
	58056	\$44.00		
	56397	\$44.00		
	56583	\$55.00	Food Premises Surveillance fee 2012/13	
	57081	\$22.00		
	56326	\$41.25		
	56125	\$33.00		

	57732	\$52.25	Re- Registration	
	57743	\$55.00		
	56838	\$22.00		
	58855	\$132.00		
	56787	\$200.00		
	57473	\$450.00		
	53030	-\$274.75		
	Total:	\$961.00		
	Grand Total:	\$1,493.75		

This page is intentionally left blank

9.2.15 MONTHLY FINANCIAL STATEMENTS APRIL 2013

File Ref: FIN-23-5
Attachments: [Council April 2013.pdf](#)
[April 2013 Variance Report.doc](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Angela McDonald
Manager Finance and Administration
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 11-page report details the financial activities of the Council for the period July 2012 to April 2013 of the 2012/2013 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 per attached variance report.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the monthly financial statements for the period July 2012 to April 2013 of the 2012/2013 financial year as presented be received.

This page has been intentionally left blank

9.2.16 CREDITORS FOR PAYMENT

File Ref: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

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 24th May 2013.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT19511-EFT19954	\$3,050,105.50
	Total	\$3,050,105.50
Cheque Payments	22140-22220	250,597.51
Written Cheque	80-84	35,865.62
	Total	\$286,463.13
	GRAND TOTAL	<u>\$3,336,568.63</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

22150, 22165EFT19578

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$3,336,568.63

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT19511-EFT19954	\$3,050,105.50
	Total	\$3,050,105.50
Cheque Payments	22140-22220	250,597.51
Written Cheque	80-84	35,865.62
	Total	\$286,463.13
	GRAND TOTAL	<u>\$3,336,568.63</u>

This page has been intentionally left blank

9.2.17 ANNUAL REVIEW OF POLICY MANUAL

File Ref: LEG-2-1
Attachments: [Policy Manual 2013 \(updating in progress\)01.doc.docx](#)
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 2013 Policy Manual.

BACKGROUND

Council last reviewed the Policy Manual on 28 July 2012. Since the last review, up to and including the Council meeting held 28 July 2013, Council has resolved to make 11 policy amendments and adopt 8 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 Councillors to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
 - f) To enable residents and ratepayers to obtain immediate advice on matters of Council Policy.
3. Changes to council Policy shall be made only on:
 - a) Notice of motion; or
 - b) An agenda item clearly setting out details of the amended policy; or
 - c) At the annual review of Council's Policy Manual, subject to verification from the Chief Executive Officer.

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

Policy

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

In that it is a “rule” it can be regarded as the fourth layer in a legislative hierarchy, 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 government’s policies”*
- “Section 3.1 provides that the general function of local government is:*
- 1) *The general function of a local government is to provide for the good government of persons it 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 Operation Manual.

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

The following policies have been adopted by Council in the 2012/2013 financial year and included in the Policy Manual:

Date	Agenda Item No.	Resolution No.	Note
24/05/2013	9.1.9	201213/370	(New) Formal Communication Policy – Elected Members.
19/04/2013	9.2.5	201213/341	(New) Public Art Policy
19/04/2013	9.1.8	201213/333	(New) Authority to Issue Section 39 and 40 Certificates under the Liquor Control Act 1988 (New) Mining Act 1978 (New) Native Title Act (New) Amendment to Housing Tenancy Agreements Policy
19/04/2013	9.1.6	201213/331	(Amendment) Regional Price Preference Policy
08/02/2013	9.1.9	201213/270	(Amendment) Road Verge Development Criteria Policy
08/02/2013	9.1.8	201213/269	(Amendment) Regional Price Preference Policy
07/12/2012	9.3.4	201213/246	(Amendment) Local Planning Policy No. 1 – East Newman Master Plan
07/12/2012	9.2.4	201213/231	(Amendment) Purchasing and Tender Procedures Policy
07/12/2012	9.1.9	201213/226	(Amendment) Stall Holder and Street Trading Policy
07/12/2012	9.1.3	201213/220	(Amendment) Citizenship Ceremonies Policy
26/10/2012	9.3.9	201213/210	(New) Local Planning Policy No. 8 – Residential

			Development Policy
28/09/2012	9.1.3	201213/59	(Amendment) Vandalism Reward for Conviction
28/09/2012	9.1.7	201213/58	(New) Annual Community Survey
28/07/2012	9.2.8	201213/12	(Amendment) Accounting Policy
28/07/2012	9.2.7	201213/12	(Amendment) Purchasing and Tender Policy
25/05/2012	9.2.4	201112/288	(Amendment) Purchasing and Tender Policy

A draft copy of the 2013 Policy Manual is included under separate cover. Minor amendments to policies have been made.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

To be reviewed, updated and adopted annually.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the 2013 Policy manual as presented.

This page has been intentionally left blank

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISIONS - MAY 2013**

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Director Technical and Development Services for May 2013 be received.

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

28 JUNE, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Gathering of information to be included on signs/plaques	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS MTS-Newman	Technical Services to review requirement of tender & length of contract before re-tendering	Jun/Jul 2013
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	DTDS	Tenure of land and alignments to be investigated and feasibility assessed Align options selected. Centrelines to be pegged.	In Progress
19 April 2013	13.3	FERAL CATS MARBLE BAR Cr Stephen Kiernan said there is a population explosion of feral cats in Marble Bar. The Chief Executive Officer replied that the Director Development Technical and Development Services will follow up/investigate.	CRES	Ranger Services will investigate and provide comment on shire responsibilities and obligations.	In progress
24 May 2013	13.3	PARKING ON VERGES Cr Doug Stead asked if he can obtain a copy of the rules for parking on verges. Director Technical and Development Services to	DTDS CRES	Ranger Services to compile information for June meeting	In progress

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

28 JUNE, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		follow up.			
24 May 2013	13.4	MAJOR PROJECTS Cr Doug Stead has asked if it was possible to get a list of major projects for the East Pilbara district.	DTDS CEO	Will investigate options of summary of Council approved no Council projects. Annual shire projects are identified in budget.	
24 May 2013	13.5	UPDATE LOCAL SIGNS Cr Doug Stead asked if the signs around Newman can be updated as they are deteriorating. Director Technical and Development Services to follow up.	DTDS	Need to confirm from Council if we are looking at upgrading faded signs or developing a new style ?	
24 May 2013	13.7	WARRAWAGINE ACCESS ROAD Cr Lang Coppin asked if a letter can be sent to the new owners of Molly Mines regarding the maintenance of the Warrawagine Access Road. Director Technical and Development Services to follow up.	DTDS MTS - Rural	Phone contact has been made with the new owners and they are agreeable to a new agreement with the same terms as previous owner.	

**9.3.2 USE OF SHIRE COMMON SEAL - AGREEMENT RELATING TO
CONDITION OF CARETAKER'S DWELLING PLANNING APPROVAL**

File Ref: A409741
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Town Centre Car Park
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 an agreement between the Shire and Cockles Pty Ltd.

BACKGROUND

As a result of planning approval being issued by the Shire and subsequent proceedings in the State Administrative Tribunal for the purposes of developing a Caretaker's Dwelling on Lot 19 Rogers Way, Newman (Newman Boulevard Shopping Centre), there was a requirement for the owner of the shopping centre to enter into a deed of agreement with the Shire. The requirement of the deed is as a direct result of the proposed Caretaker's Dwelling not having a legal street frontage, rather, the proposal required access from the existing car parking Reserve to access the portion of the shopping centre land upon which the proposal was proposed. As the owner of the Shopping Centre had no legal right to use the reserve for access, the deed was required to be entered into and formed a condition of approval.

The Deed requires the owner of the Shopping Centre to undertake the following:

- Indemnify the Shire for any loss or damaged caused to the Reserve, other property or persons;
- Take out and maintain a public liability insurance policy to insure the Shire against claims for loss, damage or injury occurring to the Reserve or persons as a result of the property owner utilising part of the reserve;
- Pay a one-off contribution towards maintenance of the Reserve;
- Acknowledge that the Reserve is required to provide access for the development; and
- Allow the Shire to lodge a caveat over such portion of the subject shopping centre.

COMMENTS/OPTIONS/DISCUSSIONS

Due to the urgent nature of having this document signed/sealed, the common seal was applied to the deed before Council approval could be sought. This agenda item is seeking approval from Council for using the common seal on this document.

The agreement was drafted by Council's solicitor at the expense of the shopping centre owner. Both the Shire President and Chief Executive Officer have executed the document.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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

STRATEGIC COMMUNITY PLAN

Not applicable.

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 which was affixed to the agreement relating to condition of caretaker's dwelling planning approval between the Shire of East Pilbara and Cockles Pty Ltd.

**9.3.3 EMERGENCY SERVICES REVIEW - OPTION TO TRANSFER LOCAL
BUSH FIRE BRIGADES IMPACT ASSESSMENT**

File Ref: RNG-7-10-1
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Ms Helen Taulapiu
Technical Services Administration Officer
Location/Address: N/A
Name of Applicant: Department of Fire & Emergency Services
Author Disclosure of Interest: Nil

REPORT PURPOSE

To provide a response to DFES in regards to the administration and operation of bush fire brigades and assess the options of either entering into an agreement or transferring this responsibility to DFES.

BACKGROUND

The following correspondence was received from the Department of Fire & Emergency Services (DFES) Project Manager Lauren Townsend:

“As previously noted in our letter dated 19 December 2012, the Department of Fire and Emergency Services (DFES) is currently conducting a review of the Emergency Services Legislation. As part of this process, the Legislation Review Project Team is developing a Concept Paper that will facilitate consideration of key issues raised through ongoing consultations and previous reviews.

During the consultation process a key issue that has been identified is the administration and operation of bush fire brigades. More specifically, a number of submissions and discussions made reference to recommendations 55, 56 and 58 of the 2006 Community Development and Justice Standing Committee (CDJSC) – Inquiry into Fire and Emergency Services Legislation. These recommendations are as follows:

Recommendation 55

The emergency services legislation is to provide for FESA (now DFES) and local government to enter into an agreement for the purpose of local government transferring the following responsibilities to FESA on a permanent basis:

- Emergency incident control;*
- Bushfire Brigade operations and administration;*
- The determination and administration of ESL (Emergency Services Levy), in relation to the capital and recurring costs associated with Bushfire Brigades.*

Recommendation 56

- Such an agreement is only to be entered into if both FESA and the local government agree to terms and conditions.*

Recommendation 58

- Any additional costs of transfer of Bushfire Brigades from local government to FESA, apart from those normally funded under the Emergency Services Levy, are to be borne by the State.

In 2008, the Regulatory Gatekeeping Unit (RGU) was established by the State Government to give due consideration to business and the community in designing regulatory proposals and to provide an early warning to the Government of any unintentional consequences of its proposed regulatory instruments. Under the Regulatory Impact Assessment (RIA) Guidelines issued by the RGU, viable options considered should detail the costs and benefits of the option, using quantitative information where possible. The RIA Guidelines also outline that feedback on the impact of the various options should be requested from affected parties.

In order to adequately assess the economic impact to the State, it is important for the Project Team to better understand the quantity and physical location of the brigades that may be transferred under the above recommendations. Consistent with the deliberative process required by the RGU, the Project Team is asking each local government to indicate whether they would be likely to retain or transfer the operations and administration of their bush fire brigades.

As recommended in the CDJSC review, we are seeking your response to the following question:

If future legislation provided the option for local governments to transfer the responsibility for bush fire brigade operations and administration to DFES, would your local government be likely to retain or transfer the responsibility?

The position provided with respect to the above question is indicative only and does not obligate the local government in any way. The Project Team is aware that the control and administration of local brigades is an important consideration for many communities and appropriate consultation should take place within those communities before a formal decision is made. As we are requesting this information in-confidence, and as part of a deliberative process, individual responses to this request will not be disclosed. However, the aggregate of the data collected will be used to calculate the potential impact to the State and will be presented in the Consultation RIA.

Please provide your response by 10 June 2013. For your convenience, you are welcome to respond by letter, email at legislation@dfes.wa.gov.au or by phone on (08) 9395 9763. If you require any further clarification, please feel free to contact Jeff Warren or myself on the number above.”

COMMENTS/OPTIONS/DISCUSSIONS

DFES requested a response from the shire by the 10 June 2013 but, they have subsequently been contacted and advised that officers need to present this matter to Council for consideration so that a Council position can be established and communicated to DFES.

Currently the coordination of Emergency Services and administration of the Emergency Services Levy (ESL) is carried out on behalf of the shire by the shire's

Coordinator Ranger and Emergency Services. This department has experienced staff resource issues over the last few years and removal of this responsibility could allow more focus on Ranger services but the shire needs to consider the wider implications on the community.

Some of the issues that Council would need to consider in formulating a response are as follows:

- How the provision of fire services correlates with the strategic plans and visions of the shire ?
- The immediate effects would reduce the shires burden for the management and financial aspects.
- Should DFES take over the brigade then they should take all the responsibilities of the Bush Fire (BF) Act ?
- Where will you get anyone with any fire control experience without a brigade to provide independent advice and information if not via the Bush Fire Service (BFS)? Will DFES then provide officers to train shire staff for the compliance and enforcement/ inspection roles?
- Given the centralisation of management that this would ultimately result in, should DFES also absorb the Emergency Management (EM) Act responsibilities as well and relieve the shire of that burden as well.
- The concept of this absorption of the Brigades actually goes against their original emergency management concepts of local management for local issues mooted shortly after the creation of FESA.
- The loss of the brigade would reduce some liabilities in relation to some compliance with the Bush Fire (BF) Act could leave shire with some, unless all the responsibilities under the Act are absorbed by DFES. Under Section 38 of the BF Act DFES can effectively already take control but State Government should not be able to pick and choose what responsibility they will or won't accept. It should be all or nothing ?
- What must also be considered is the social aspects of this move, such things as the loss of link with the local community, the perception of a reduction in Local Government(LG) services and responsibilities ?
- If we no longer have any BFS then who will provide mitigation services if they are required and how and at what cost?
- The LG will also lose input to Emergency Management controls and have little ability to have input at emergency events or how they are responded to. This could result in conflicts between mitigation and response as well as conflicts of priority in responding to incidents.
- Will DoFES assume all management of the ESL if they assume control of the Brigades and will this include the SES portion of this?
- LG's would probably have less of a voice on District Emergency Management Committee (DEMC) as a result of the removal of the response phase and would essentially be dictated to in the event of any incidents that occur within their community or district. There is already a lack of consultation from DFES in relation to their response to incidents within the Shire.

- Lastly the idea of what constitutes good governance of and for the shire, its provision of services and the responsibilities under the Local Government Act should be considered.

STATUTORY IMPLICATIONS/REQUIREMENTS

Emergency Management Act 2005
Bush Fire Act 1954
Emergency Services Levy Act 2001
Fire and Emergency services Authority of WA Act 1998
Local Government Act 1995

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

1.1 Efficient and Effective Local Government
1.3 Engaged Community

FINANCIAL IMPLICATIONS

Loss of some income but offset by reduction of staff time for the control and administration of Emergency Services Levy.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council authorise the Chief Executive Officer to liaise with Department of Fire and Emergency Services (DFES) to obtain additional information in regards to transferring the administration and operation of bush fire brigades to DFES and to develop an informed recommendation that can be reported back to Council for consideration.

**9.3.4 FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME
AMENDMENT NO. 18**

File Ref: PLN-2-2-18
Attachments: [A 18.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Lot 1642 Trotman Avenue and Lots 10 & 581
Newman Drive, Newman
Name of Applicant: URP
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the final adoption of proposed Town Planning Scheme Amendment No. 18 which is for the purposes of rezoning Lot 1642 Trotman Avenue and Lots 10 and 581 Newman Drive, Newman.

BACKGROUND

Council at its meeting held on 7 December 2012 resolved the following:

THAT Council:

1. *In pursuance of Section 75 of the Planning and Development Act 2005 (as amended) resolves to the support the initiation to amend the Shire of East Pilbara Town Planning Scheme No. 4 by:*
 - a. *Reclassifying Reserve 38561 being Lot 1642 Trotman Avenue and Lot 10 Newman Drive, Newman from 'Local Scheme Reserve – Recreation' to 'Town Centre' zone;*
 - b. *Reclassifying Lot 581 Newman Drive, Newman from 'Mixed Business' zone to 'Town Centre' zone; and*
 - c. *Amending the Scheme Map in accordance with the Scheme Amendment Map.*
2. *Numbers the proposed amendment No. 18 and forwards such amendment to the Western Australian Planning Commission in accordance with the Town Planning Regulations 1967 (as amended) and to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 (as amended) prior to advertising in accordance with the Town Planning Regulations 1967 (as amended).*

The primary purpose of the amendment is to satisfy conditions of planning approval imposed by Council in relation to the expansion of the Newman Hotel/Motel. Council at its meeting held on 23 March 2012 approved the 132 room addition (later amended to a lesser number of rooms) and car parking on the subject lots with condition one (1) of such approval reading as follows:

"Within 12 months from the date of this approval, the applicant shall submit to Council a Town Planning Scheme Amendment for the purposes of rezoning Lots 1642 and Lot 10 Newman Drive from Reserve for Recreation to Town Centre and amend the Scheme map accordingly".

The basis for imposing such condition was for the fact that the subject land is zoned differently to the remaining portions of land upon which the Motel has been developed. Furthermore, Lot 1642 was previously Crown Land vested to the Shire for Recreation purposes, however; in 2009 Council resolved that the land was of no use to the Shire and accordingly allowed the sale of such land to proceed by the Crown to the owner of the Motel. It is understood from State Land Services that this has now been effected.

As with the above, the same applies to Lot 10 whereby it is currently zoned for Recreation but unlike Lot 1642, is not Crown Land and is held in fee simple by the Motel. Lot 581 is also held in fee simple by the Motel but is currently zoned Mixed Business. Accordingly, the Scheme Amendment aims to rationalise an existing zoning anomaly to ensure that the zoning of the land upon which the Motel has been developed is consistent.

COMMENTS/OPTIONS/DISCUSSIONS

Following the above resolution, the proposed amendment was advertised in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967 which resulted in the following:

- Environmental Protection Authority advised that the proposed amendment would not need to be assessed under the Environmental Protection Act 1996;
- No neighbouring property owner submissions were received; and
- A response being received from both the Department of Environment and Conservation and Water Corporation advising that they have no objections to the proposal.

In considering the anomalies at hand in respect of the current zoning of the subject lots, and the fact that Council has supported the sale of the Recreation Reserve, it is considered appropriate to normalise the zoning of the land consistent with the zone of the remainder of the Motel site in conjunction with the approved development(s).

STATUTORY IMPLICATIONS/REQUIREMENTS

The proposed amendment has been prepared and advertised in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). Council is now required to resolve to adopt the amendment with or without modification or resolve not to adopt the amendment.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

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

Responsible officer: CEO

Timing: 1-5 years

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 (as amended) and Regulations 17, 18 and 25 of the Town Planning Regulations 1967 (as amended) resolves to adopt Town Planning Scheme Amendment No. 18 without modification(s);**
- 2. Authorises the Shire President and the Chief Executive Officer to apply the Shire seal and execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967; and**
- 3. Forwards the documents executed in Point 2 above to the Western Australian Planning Commission for final approval by the Minister of Planning.**

This page has been intentionally left blank

**9.3.5 FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME
ANEMDMENT NO. 19 AND ROAD CLOSURES**

File Ref: PLN-2-2-19
Attachments: [A19 FINAL Scheme Amendment.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Newman Drive and Cowra Drive, Newman
Name of Applicant: URBIS on behalf of Landcorp
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the final adoption of proposed Town Planning Scheme Amendment No. 19 in relation to the Newman Mixed Business Precinct. Council's consideration is also required in relation to the closure of portion of Abydos Way and George Street.

BACKGROUND

Council at its meeting held on 8 February 2013 resolved the following:
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. *Reclassifying a portion of Unallocated Crown Land (Lot 1543, Plan 215 293) from 'Public Purpose – Drainage and Water' to 'Mixed Business', as indicated on the Scheme Amendment Map.*
 - b. *Reclassifying a portion of Abydos Way from 'Local Road' Reserve to 'Mixed Business, as indicated on the Scheme Amendment Map.*
 - c. *Reclassifying George Street from a 'Local Road' Reserve to 'Mixed Business', as indicated on the Scheme Amendment Map.*
2. *Numbers the proposed amendment No. 19 and forwards such amendment 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;*
3. *Initiate the closure of the portion of the Abydos Way road reserve and George Street, Newman in accordance with Section 58 of the Land Administration Act 1997;*
4. *Cause the proposed road closure(s) to be advertised in a newspaper circulating within the district inviting public comment for a designated period of time being not less than 35 days in accordance with Section 58 of the Land Administration Act 1997; and*
5. *Notify service authorities and/or their agents of the proposed road closure and invite comments from such authorities/agents accordingly.*

The proposed amendment aims to facilitate the development of the Newman Mixed Business precinct which is identified as a priority development in the Newman Revitalisation Plan. To effect the development appropriately, it requires the

realignment of Abydos Way to increase the lot yield as well as rationalising some of the existing water and drainage reserves. Furthermore, it is proposed to close the entire portion of George Street to allow the allocation of larger lots to the rear of the precinct. Development of the Mixed Business Precinct will provide much needed land for the development of service type business as well as bulky goods and retail.

COMMENTS/OPTIONS/DISCUSSIONS

Following the above resolution, the proposed amendment was advertised in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967 which resulted in the following:

- Environmental Protection Authority advised that the proposed amendment would not need to be assessed under the Environmental Protection Act 1996;
- No neighbouring property owner submissions were received; and
- Once response being received from utility providers being Water Corporation.

The above mentioned response received from Water Corporation was for the purposes of identifying the existence of water and wastewater pressure mains traversing the site. In considering the proposal, Water Corporation sought clarification on the proposal through which they were advised that Landcorp and its Consulting Engineer have examined the pressure mains and determined that it is able to rationalise and realigns such mains. Water Corporation perceives no issues with this provided that the costs related to such realignment are paid in full by Landcorp as part of the development.

No objections were received in relation to the proposed road closure(s).

In the overall local planning context, the proposed amendment is in accordance with the Newman Revitalisation Plan which is the strategic planning direction adopted by Council. Furthermore, the resulting development proposed is of benefit to the Newman community and business sector which will enable greater choice and availability of products/services in the long term.

STATUTORY IMPLICATIONS/REQUIREMENTS

The proposed amendment has been prepared and advertised in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). Council is now required to resolve to adopt the amendment with or without modification or resolve not to adopt the amendment.

Furthermore, Council is required to consider the proposed closure of road(s) in accordance with Section 58 of the Land Administration Act 1997.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

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

Responsible officer: CEO

Timing: 1-5 years

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 (as amended) and Regulations 17, 18 and 25 of the Town Planning Regulations 1967 (as amended) resolves to adopt Town Planning Scheme Amendment No. 19 without modification(s);**
- 2. Authorises the Shire President and the Chief Executive Officer to apply the Shire seal and execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967;**
- 3. Forwards the documents executed in Point 2 above to the Western Australian Planning Commission for final approval by the Minister of Planning; and**
- 4. Requests the Minister for Lands to formally close a portion of Abydos Way and George Street Newman in accordance with Section 52 of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998.**

This page has been intentionally left blank

9.3.6 PROPOSED ROAD CLOSURE - DOHERTY STREET, NULLAGINE

File Ref: A300206
Attachments: [Doherty Street Closure.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Irrungadji Community, Nullagine
Name of Applicant: Ngurra Kujungka (formerly Western Desert Sports Council Inc.)
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required in respect of a request received to close Doherty Street, Nullagine.

BACKGROUND

The applicant is currently going through the planning phase with respect of the redevelopment of the oval at the Irrungadji Community in Nullagine. The proposed redevelopment is to facilitate the grassing and reticulation of the oval to improve the quality the sporting field and sporting events amongst the communities involved in Ngurra Kujungka.

The oval is located on Lot 206 which is a Crown Reserve vested to the Shire for the purposes of "Recreation". The Shire is currently engaged with the applicant in the assistance of the redevelopment project although it is in the very early stages and is subject to funding.

At present, the Oval is located partly on Lot 206 and partly on the Doherty Street road reserve. Accordingly, the request from the applicant seeks Council support in relation to closing Doherty Street for further progress the oval redevelopment. It is also requested that should the road be closed, that such resulting land be amalgamated into adjoining Lot 206.

COMMENTS/OPTIONS/DISCUSSIONS

In considering the request to close the subject road, it is noted that such closure would result in lots further south of the subject site to become landlocked, one particular lot being Lot 205 which is also a Reserve vested to the Shire but is not utilised in any way by the Shire or the immediate community aside from being the location of the Irrungadji Community cemetery. Further additional lands that will become landlocked are all Aboriginal Lands Trust land whom will need to be consulted should Council decide to initiate the closure.

In discussions with the applicant, it was considered that the location of the oval would preclude the use of the greater Nullagine community. However, the applicant has advised that they want to actively promote that the oval is to be to the benefit of the entire Nullagine community and given that it is located on a Shire reserve, every effort should be made by the applicant to promote this factor.

In considering the impacts of such road closure of the Community Layout Plan, initial comment has been received from the Department of Planning who control Aboriginal Community Layout Plans. The Department has indicated that they support such closure subject to due process being followed.

Given the nature of the closure request and initial feedback of such, it is considered appropriate for Council to initiate the closure to obtain further consideration from all stakeholders.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997 – Section 58

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

2.1.3 Encourage high rates of participation in community activities and events

Responsible officer: MCW

Timing: 1 year

FINANCIAL IMPLICATIONS

No financial resource impact.

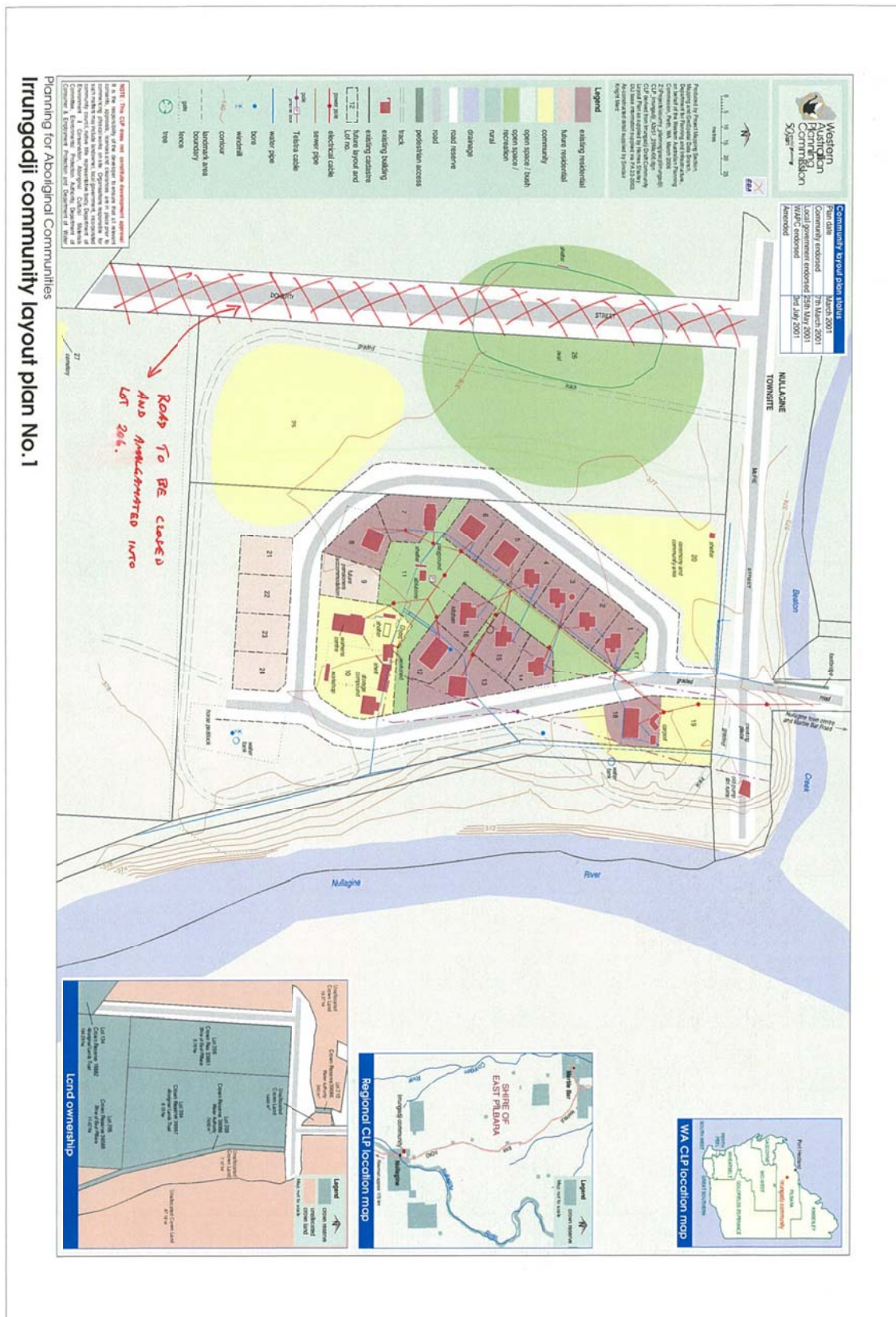
VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Initiate the closure of Doherty Street road reserve, Nullagine for the purposes of amalgamating such land into adjoining Lot 206 in accordance with Section 58 of the Land Administration Act 1997;**
- 2. Cause the proposed closure to be advertised in a newspaper circulating within the district inviting public comment for a designated period of time being not less than 35 days in accordance with Section 58 of the Land Administration Act 1997; and**
- 3. Notify service authorities and/or their agents of the proposed closure and invite comments from such authorities/agents accordingly.**



9.3.7 NEW POLICY - SUBDIVISIONAL DEVELOPMENT

File Ref:	LEG-2-1
Attachments:	Policy 10_15 Subdivisional Development.pdf LGGSD 2012 contents.pdf
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Rick Miller Director Technical and Development Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider adopting a new policy:

- SUBDIVISIONAL DEVELOPMENT

BACKGROUND

The shire in the past has had limited policies for Subdivision approval of engineering documentation to allow construction of subdivision civil infrastructure and has primarily relied on the experience of the Director's Technical Services at the time. The complexity of subdivisions and requirements has increased over the years. On July 20 2009 the Institute of Public Works Engineering Australia (WA Division) issued revised Local Government Guidelines for Sub Divisional Development 2009 – Edition 2. These replaced the Guidelines published by the institute in 1998.

These guidelines underlie and support sub divisional conditions applied by the Western Australian Planning Commission (WAPC) pursuant to the Planning and Development Act 2005. The guidelines encompass current legislation and best practice minimum engineering standards. They provide consistency and guide local government and the development industry through engineering specification, construction and post construction sub divisional approval.

COMMENTS/OPTIONS/DISCUSSIONS

These guidelines are based on the latest industry standards and will be updated on a continual biennial basis. The latest edition was updated and issued in August 2012. A copy of the guidelines contents index is attached to show the detail of the document. Specific requirements of the shire or areas that require further clarification will be detailed in shire development annexures attached to the guidelines. As these guidelines have been funded with the assistance of the WAPC they are available free of charge to Councils and developers. They can be downloaded from the IPWEA website and will be loaded onto the shire website.

While the guidelines do not cover all details they do represent a large step forward from the old guidelines and will allow a more consistent approach to development applications in the shire.

The adoption of this policy will provide a sound minimum standard for developers to comply with when building subdivision infrastructure in the Shire of East Pilbara and allow for continuous improvement in infrastructure built.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Planning and Development Act 2005

POLICY IMPLICATIONS

10.5 NEW DEVELOPMENT ROAD RESERVES – THIS POLICY TO BE DELETED AND REPLACED WITH NEW POLICY.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

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

Goal 4 – Environmental – Planned Actions

The Shire of East Pilbara seeks to effectively manage and maintain its iconic Pilbara environmental assets by reducing ecological footprints and developing clean, green towns.

4.2 Promote a sustainable environment

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Adopt the new Policy 10.15 - Subdivisional Development.**
- 2. Delete superseded Policy 10.5 – New Development Road Reserves.**

10.15 Subdivisional Development

Minute No:

Date: 28 June 2013

Objective

All works associated with the subdivision of and development of land within the Shire of East Pilbara shall comply with the minimum standards specified in the current Institute of Public Works Engineering Australia Local Government Guidelines for Subdivision Development and the Shire of East Pilbara Annexure A to the subdivision guidelines publication.

Policy

The guidelines prescribe the minimum standards applicable to the design and construction of roads, stormwater systems, paths, streetscapes, earthworks, landscaping and public open space, and sets out provisions for the control of dust and noise pollution from development sites.

These Guidelines are intended to underlie and support subdivisional conditions applied by the Western Australian Planning Commission (WAPC) pursuant to the Planning and Development Act 2005. The Guidelines encompass current legislation and best practice minimum engineering standards. They are intended to guide local government and the development industry through engineering specification, construction and post construction subdivisional approval. Institute Public Works Engineering Australia has committed to update the guidelines on a biannual basis.

A copy of these guidelines and Annexure A are available on Shire of East Pilbara's website: <http://www.eastpilbara.wa.gov.au/>

This page has been intentionally left blank

9.3.8 SCREENING AUTHORITY - NEWMAN AIRPORT

File Ref: FAC 1-5
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 to reactivate the process for the Shire of East Pilbara to become the screening authority at Newman Airport.

BACKGROUND

It is a regulatory requirement for an airport from which screened air services operate to provide full baggage and passenger screening services. Such a service is regulated through an approved screening authority and screening agent. The latter does not necessarily have to be part of or directly employed by the screening authority organisation, but can be an approved agent.

In accordance with regulation 4.03 of the Aviation Transport Security Regulations 2005, Qantas Airways Ltd was appointed as screening authority at Newman Airport. This appointment and authorisation was reconfirmed on 30 November 2007 by the Secretary of the Department of Transport and Regional Services as Qantas was the only operator at that time providing RPT services to Newman, and had the organisational expertise and capacity to provide such a services.

Currently Qantas is still the screening authority, although Virgin commenced screened RPT services out of Newman in October 2008. Other air operations involving open and closed charters operating out of Newman now also require screening services under new legislations. Qantas employs MSS Security as screening agent to provide actually screening services to all operators as and when required.

On 23 March 2012 Council adopted the following resolution:

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/229

1. THAT Council authorises the Manager Airport Services to obtain authority from the Department of Transport (Office of Transport Security) to become the recognised screening authority at Newman Airport.

2. THAT, if successful in obtaining the above, Council authorises the Manager Airport Services to issue an RFT in accordance with the Local Government tender process for the provision of screening services at Newman Airport.

3. THAT Council authorises the Manager Airport Services to evaluate the life cycle costs of transferring the Qantas-owned L3 equipment against the advantages associated with new but compatible Smith's equipment, and purchase such equipment under an approved capital expenditure budget item. In view of the unique nature of each one of these option it will not be feasible to invite tenders.

Askew & Associates were engaged as consultancy firm to prepare a submission and application to OTS (Office of Transport Security) for the Shire of East Pilbara to become the Newman Airport Screening Authority (SA). Qantas, as screening authority, was duly informed of the shire's intension.

At that time Qantas expressed their desire to continue as SA, and stated the benefits to Qantas, the shire and the aviation industry as follows:

"I realised after our conversation last week that I should have reiterated that Qantas values the screening authority nomination and wishes to retain that position for Newman. We believe that there's a number of benefits to all stakeholders in Qantas being the screening authority at Newman, including:

- *A high level of security expertise, support and resources in both the Qantas Group Security and Airport Operations teams, which also directly support security operations in Newman. These Qantas resources include security risk assessment and regulatory compliance, contractor service delivery and performance management, security equipment support and commercial business improvement.*

- *The security operation in Newman is covered by the Qantas Transport Security Program (TSP) and the associated security management programs which also provide a high level of assurance, quality control and compliance support.*

- *High levels of performance and consistency in quality assurance and regulatory compliance, which flow from using a security provider engaged under a Qantas network-wide contract. The security screening operations are also covered by contracted service levels, performance management and KPIs, business contingency and improvement plans and initiatives. Customer service and facilitation is also a key focus area of Qantas contracted security services.*

- *The security services under a Qantas network-wide contract also has clear financial and commercial benefits (through efficient pricing and management of overheads). Further, Qantas is undergoing a network-wide tender of all contracted security services and Newman is currently included in this process - in order to derive even further financial and commercial benefits for all Qantas ports.*

- *Qantas are planning to upgrade major components of the passenger screening equipment in the coming 12 to 18 months (Passenger Xrays and ETDs) and Newman was also planned to be included in this asset investment program. Newman currently benefits from the Qantas network-wide contracts with Equipment providers as well, in the form of contracted high*

service levels and fault response times, comprehensive maintenance programs and competitive maintenance service pricing.”

Askew & Associated completed the full risk assessment and prepared the application to OTS in April 2012. At that time the concept designs for the extension of the airport's operational, passengers handling and access plan infrastructure indicated that such a project should be considered as highest priority. During the process of planning and executing such a project, disruptions in passenger services would be inevitable.

Following an internal review and recommendation to Council, it was decided to temporarily suspend the application to become SA. This was based solely on the fact that the management and oversight requirements to proceed with the infrastructure and service delivery project would require all available airport resources. The simultaneous assumption of the role of SA would place unmanageable demands of shire's own resources.

OTS, Qantas and Askew & Associates were advised of the decision to temporarily suspend our application for SA. Due to the lack of funding to proceed with the infrastructure and services project, only short term capital projects were subsequently launched to increase the departures lounge, check-in counters and baggage handling capacity.

COMMENTS/OPTIONS/DISCUSSIONS

On 30 May 2013 shire officers were informed telephonically by Qantas that, following a Qantas Board decision, Qantas will be withdrawing as SA from all regional Australian airports by 30 April 2014 and all capital ports the following year. This was confirmed in a letter dated 3 June 2013.

Although OTS acknowledges that they have been involved in some discussions with Qantas leading up to this decision, the affected airports industry at regional level were not involved, consulted or informed until after the decision had been made. The lack of informing and consulting with the airports industry in advance has significant consequences:

- Most airports, especially those owned and operated by local governments, have finalised capital and operating budgets for Financial Year (FY) 2013/14.
- The lead time available to evaluate options and costs implications is only 10 months. Although Qantas states in their letter that six months is required to establish a new SA, that does not take into consideration all other local government processes and procedures.
- The Qantas owned and operated screening equipment at regional airports has reached the stage in its life cycle where it is no longer economically maintainable and will need replacement. It is speculated that this was a major consideration by Qantas leading to their decision. With their extended involvement in regional airports as SA, and changing screening technology requirements at capital airports, the capital replacement/investment costs of that range of equipment is considerable. This is to some extent supported in Qantas' correspondence 3 June 2013.

- Regional airports in some instances also own screening equipment as part of a federal government grant some years ago. The CBS (Checked Baggage Screening) equipment in use at Newman Airport was provided to SoEP in 2008 under this grant. This equipment is currently in its final year of a maintenance and service agreement sponsored under the same grant. In terms of the expected life cycle of such equipment, the shire owned CBS equipment will be due for replacement in FY 2014/15.
- Qantas owns and operates the passenger screening and trace detector equipment associated with this part of the services. When Qantas withdraws as SA this equipment will have to be replaced.
- Qantas as SA does not provide actual screening services at Newman airport, but contracts MSS Security as Screening Agent to provide these services, as is standard practice at most other airports where Qantas is the SA. The replacement of Qantas as SA at any airport therefore requires the engagement of a Screening Agent as well.

The withdrawal by Qantas as SA necessitates that this vacuum be filled in time to ensure a seamless transfer of authority and service. In this, only three options are available:

- **Option 1:** Airport owners/operators can engage another service provider as SA, including a screening agent to provide actual screening services.
- **Option 2:** Airport owners/operators can apply to become the SA, and engage a third party to provide screening services.
- **Option 3:** Airport owners/operators can apply to become SA and employ own staff to provide screening services.

Each option needs to be briefly addressed in order to establish its suitability and viability to this shire. All options should be evaluated in terms of the shire's obligations and liability as the accountable holder of the Newman Aerodrome Transport Security Plan (TSP), and its duty of care as aerodrome owner/operator towards the aviation industry in general.

OPTION 1:

Although the shire suspended the application to become the SA in April 2012 due to external factors, the drivers and motivations to become the SA are still absolutely valid. These are:

"The need for the Shire of East Pilbara to become the screening authority has been identified and reported on to Council since early 2010. This course of action is foremost based on the following:

- *In terms of the Aviation Transport Security Act 2004 Newman Airport is classified as a Security Controlled airport.*
- *In terms of Section 16(2) of the Act the Shire of East Pilbara, as owner/operator of this airport, is required to implement a Transport Security Plan (TSP) aimed at ensuring the security integrity of the domestic and international aviation networks.*

- *A specific area of responsibility within the TSP is to ensure that the integrity of the screened services is maintained through the maintenance of the sterile areas during screening periods.*
- *The greatest threat to the integrity of security is the 150,000 outbound passengers and baggage per annum that are subject to screening.*
- *This is the area where the security is at the highest risk, and the shire has no direct control over the screening of such individuals and baggage.*
- *As screening authority Qantas is ultimately liable for screening security. However, as accountable officer of this shire, the CEO has at the very least a duty of care if not shared liability.*

It is therefore imperative that, in the interest of complying with our role as owner/operator of this airport, and in acceptance of our overall duty of care, responsibility and accountability, the shire has direct control over screening activities. This is only possible if the shire assumes the full role, responsibility and accountability of screening authority."

Further considerations are of commercial nature:

- *"All aircraft and air operators visiting Newman are subject to approved fees and charges.*
- *The shire controls only landing and parking fees, and passenger services charges.*
- *NWAS (again a Qantas agent) charges air operators a fee to provide passenger check-in, baggage handling and apron services.*
- *Qantas, as screening authority, raises separate fees for screening.*
- *The fees charged by NWAS and Qantas respectively for services at Newman Airport are not known and neither company is prepared to divulge this information. Capital airports publish this information on their websites.*
- *It is believed that screening charges are on-costed by Qantas to other airlines based on aircraft seating capacity, and not per ticket sold."*
- *Screening operations is a relatively expensive operation, but is not viewed within the aviation industry to be a profitable revenue stream except by the contracted screening agents who perform the actual screening. That said, it is an integral and regulated element of maintaining a security controlled airport, and should be offered to prospective clients at break-even cost. The added advantage is that the owner/operator attains direct control over one of the most critical risk areas."*

In terms of economy of scale Qantas as SA has been able to maintain screening costs to the aviation industry to very low levels. Since the Qantas decision to withdraw numerous organisations have already expressed their interests and offered their services to become the SA at Newman Airport, and it is to be accepted that such offers have been made to other airports as well. In some instances such organisations can provide both SA and screening services.

These organisations are all "for profit" organisations, and margins as established by their respective boards, shareholders and business plans will inevitably lead to increased costs. Such margins will apply across the board of services, including the life cycle costs of equipment and staff employment. As economy of scale is no

longer applicable, respective airports will have to raise screening service charges based on their location and passenger numbers.

In pursuing this option the Shire of East Pilbara will not have any control over screening services and activities, and will furthermore have no control over the costs to airlines and ultimately passengers.

OPTION 2:

Currently the MSS screening staff engaged at Newman Airport consists of around 13 employees. Although only 6-7 staff are on duty per rostered shift, it is well known that this number is not always sufficient to allow for staff being sick or on leave, or flight delays. However, this number should be accepted as minimum baseline to provide an efficient service.

Although it is understood that MSS screening staff are paid at rather competitive rates, the full cost of employment does not include accommodation. It is a fact that this shire cannot provide accommodation to such a number of new employees. Screening staff are furthermore subject to very rigid training and regulatory regimes. Employment costs are therefore escalated in terms of training and maintaining currencies.

In outsourcing this function it is an undeniable fact that a third party engagement will carry with it the associated higher margins, but is offset by the shire's ongoing employment constraints. If the shire assumes the role of SA at least this portion of overhead costs is eliminated.

As SA, the Shire of East Pilbara will be able to fully manage and control its accountability and duty of care in its role as holder of the Newman Airport TSP, while ensuring that all airline operators using this airport receive a pro-rata and fair deal in terms of screening service costs. However, imbedded in this option is the necessity to acquire and maintain the screening equipment associated with this role and function. Although the shire currently owns the CBS (checked baggage screening) equipment, this equipment is reaching the stage where it will no longer meet screening specification in the near future, and it is no longer economically maintainable. Qantas owns the passengers screening equipment. This equipment is also reaching the stage where it needs replacing.

The replacement and maintenance of this equipment does require significant capital investment and life cycle operating costs.

An additional factor that emerges from this option is the requirement that the shire has to demonstrate the entrenched organisation capacity to act as SA. Currently the Safety and Security portfolio is delegated to the Reporting Officer Safety and Security (ROSS). However, due to a staff shortage within the airport structure, the portfolios of Coordinator Airport Operations and Senior Aerodrome Reporting Officer is also delegated to the same individual. Within the rapid growth and expansion environment of this airport, each of the above portfolios is demanding more in terms of time and resources. It is therefore questionable whether OTS will approve an application from this shire to become the SA if we cannot demonstrate adequate and

dedicated resources to effectively oversee and comply with the role of Screening Authority.

The necessity for expanding Safety and Security measures and oversight at the airport is further manifested in the increasing requirement for traffic, car parks and regulatory patrols and interventions. Currently Rangers and airport ARO's are utilised to provide such services. Due to staff shortage in both structures, such services can only be provided for limited periods during peak times. Although some positive results have been forthcoming from these patrols, it is not sustainable and impossible to achieve a satisfactory outcome or stable state with these resources.

A dedicated portfolio for Safety and Security oversight will provide the entrenched organisation capacity required to satisfy the SA management and oversight requirements, while establishing a structure through which non-aviation related safety and security services can be provided.

Without exception all airports who have assumed the role of SA have a dedicated security manager and support structure. Even larger regional airports who at present are not screening authorities have adopted this approach. This is to enable them to comply with regulatory requirements, and their duty of care commitments towards their patrons, community and the public at large. The Perth - Newman route is again recognised by BITRE as the fastest growing domestic route in Australia, with our current growth rate being higher than 40% per annum. If this tendency continues, and all indications are that it will, we will exceed the Hedland passenger flow numbers within the next three years. Our responsibility to ensure a safe and secure environment for our patrons should therefore be considered as high priority.

In pursuing this option the Shire of East Pilbara will have direct control over screening services and activities, and will furthermore have an enhanced degree of control over the costs to airlines and ultimately passengers.

OPTIONS 3:

Option 3 requires SoEP to become the SA. However, it also requires the shire to directly employ, train and manage an additional work force to provide actual screening services.

It is suggested that, within shire's the current employment environment and constraints, such an option is not viable. However, this is not to say that this option should not be reconsidered in the future.

FURTHER CONSIDERATIONS

At least 15 regional airports are directly affected by the Qantas decision, many of them owned and operated by local governments. The process of evaluating options, establishing courses of action, preparing and submitting applications and obtaining approvals, procurement processes and the lack budgetary allowance for FY2013/14, make it highly unlikely that the security industry and regulatory body has the capacity to achieve this transition by April 2014.

Newman Airport, through its association with the Australian Airports Association (AAA), has already committed itself to a workgroup under facilitation of the AAA to address these issues. AAA has undertaken to engage Minister Albanese, OTS and Qantas with the aim of extending the proposed deadline to April 2015. Although it is likely that this collective action will produce some favourable results, it is by no means a certainty.

Newman Airport management has furthermore engaged other airport operators within our sub-region and area of influence with the view of establishing some degree of commonality and collective bargaining power in pursuance of our common objectives.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 1 - General)

3.1. General function

- In terms of the *Aviation Transport Security Act 2004* Newman Airport is classified as a Security Controlled airport.
- In terms of Section 16(2) of this act the Shire of East Pilbara, as owner/operator of this airport, is required to implement a Transport Security Plan (TSP) aimed at ensuring the security integrity of the domestic and international aviation networks.
- In terms of Regulation 4.03 of the Aviation Transport Security Regulations 2005, Qantas Airways Ltd was appointed as Screening Authority (SA) at Newman Airport. The SA may provide screening services from within its own organisation structure, or outsource such a service to an accredited and approved third party.
- The withdrawal by Qantas a SA requires the airport owner/operator to appoint another Screening Authority in terms of the act, regulations and the TSP, and ensure the provision of screening services.

POLICY IMPLICATIONS

Continued economic stability and growth through the airport as vital air link to the community by ensuring regulatory compliance and service delivery.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

There are no current resources allocated, will need to be considered as part of next budgetary process. Additional costs to be incurred in delivering this service would be calculated and charged to airlines on a cost recovery basis.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

- 1. THAT Council endorses Option 2 as the preferred option that will establish the Shire of East Pilbara as Screening Authority for Newman Airport, and to engage a third party to provide actual screening services.**
- 2. That Council authorises the Chief Executive Officer to obtain authority from the Department of Transport (Office of Transport Security) to become the recognised Screening Authority at Newman Airport.**
- 3. That Council authorises the Chief Executive Officer to prepare a Business Plan in support of Option 2 for consideration and approval.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
26th July 2013
- 15 CLOSURE**