



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 6 DECEMBER, 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 | LANDCORP – NEWMAN TOWN SQUARE..... | 4 |
| 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 - OCTOBER 2013..... | 6 |
| 9.1.2 | 2014 QUEEN'S BIRTHDAY HOLIDAY REQUESTS FOR ALTERNATIVE DATES | 9 |
| 9.1.3 | AFFIXING COMMON SEAL TO EMPLOYMENT CONTRACT FOR MANAGER COMMUNITY WELLBEING | 13 |
| 9.2 | DEPUTY CHIEF EXECUTIVE OFFICER | 15 |
| 9.2.1 | DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - OCTOBER 2013..... | 15 |

| | | |
|------------|--|-----------|
| 9.2.2 | PROPOSED AUDIT COMMITTEE MEETING DATES 2014..... | 18 |
| 9.2.3 | AFFIXING THE COMMON SEAL TO THE MEMORANDUM OF TERMS FOR SHARING BROADCAST AUSTRALIA SITES, SITE 6046, MARBLE BAR. | 20 |
| 9.2.4 | AFFIXING THE COMMON SEAL TO THE SITE LICENCE - BROADCAST AUSTRALIA SITES (RADIO SITE) - MARBLE BAR TRIPLE J..... | 23 |
| 9.2.5 | TENDER RFT 02-2013/2014 CULTURAL HERITAGE TRAIL.... | 25 |
| 9.2.6 | TENDER RFT 03-2013/2014 SUPPLY AND INSTALLATION OF BOOMERANG OVAL PLAYGROUND AND DOG AGILITY PARK..... | 28 |
| 9.2.7 | FUNDING REQUEST LETTER FOR USE OF NEWMAN AQUATIC CENTRE FOR THE 2013/2014 SEASON BY NEWMAN AMATEUR SWIMMING CLUB (NASC)..... | 30 |
| 9.2.8 | RATES MINING TENEMENTS ASSESSMENTS..... | 33 |
| 9.2.9 | PUBLIC INTEREST DISCLOSURE ACT 2003..... | 37 |
| 9.2.10 | PURCHASING AND TENDER PROCEDURES POLICY UPDATE | 40 |
| 9.2.11 | BUDGET AMENDMENT 2013-2014 – CAPE KERAUDREN BOAT RAMP STUDY | 49 |
| 9.2.12 | CHANGE TO FEES AND CHARGES AT THE NEWMAN AQUATIC CENTRE | 51 |
| 9.2.13 | MONTHLY FINANCIAL STATEMENTS - SEPTEMBER 2013 ... | 55 |
| 9.2.14 | MONTHLY FINANCIAL STATEMENTS - OCTOBER 2013..... | 57 |
| 9.2.15 | CREDITORS FOR PAYMENT..... | 59 |
| 9.3 | DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES ... | 62 |
| 9.3.1 | DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS..... | 62 |
| 9.3.2 | AFFIX THE COMMON SEAL TO MAINTENANCE AND SUPPORT CONTRACTS – SMITHS DETECTION SCREENING EQUIPMENT | 66 |
| 9.3.3 | DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDERS FOR THE PERIOD TO 31 JANUARY 2014 | 70 |

9.3.4 ASSET MANAGEMENT PLAN – SHIRE AIRPORTS..... 77

9.3.5 MARBLE BAR TOWNSITE - PROPOSED 50KM/H ZONE 81

9.3.6 ASSET MANAGEMENT PLAN – PARKS AND GARDENS..... 83

9.3.7 TENDER RFT 11-2013/2014 MINDARRA DRIVE -
LANDSCAPING AND RETICULATION 87

9.3.8 RFT 13-2013/14 – FLOOR COVERINGS NEWMAN AIRPORT
RPT TERMINAL 90

9.3.9 ACKNOWLEDGEMENT OF ADMINISTRATIVE ERROR -
ITEM 9.3.5 OF 28 JUNE 2013..... 94

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 96

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL 96**

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS 96

13 GENERAL BUSINESS..... 96

14 DATE OF NEXT MEETING 96

15 CLOSURE 96

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lang Coppin OAM

Deputy Shire President

Cr Anita Grace

Cr Shane Carter

Cr Craig Hoyer

Cr Gerry Parsons

Cr Doug Stead

Cr Kevin Danks

Cr Dean Hatwell

Cr Stephen Kiernan

Cr Bidy Schill

Officers

Ms Sian Appleton

Acting Chief Executive Officer

Mr Rick Miller

Director Technical and Development
Services.

Mrs Sheryl Pobrica

Executive Services Administration Officer.

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Cr Lynne Craigie

Shire President

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 LANDCORP – NEWMAN TOWN SQUARE

Mr Ben Killigrew and Ms Claire Paddison from Landcorp, Mr Greg Grabasch from UDLA will be providing a presentation to Council regarding Newman's Town Square.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes October 25 2013 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 25 October 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 - OCTOBER 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 October 2013 be received.

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

6 DECEMBER, 2013

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|-----------------------------|----------------|--|--------------------|------------------------------------|----------------------------------|
| 15 March 2013 | 10.1.2 | CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW | CEO | To be completed | |
| 26 July 2013 | 13.1 | SOLAR LIGHTS WALKWAY FROM MINESITE TO TOURIST CENTRE Cr Shane Carter asked if it was possible to get solar lights for the walk/cycle path from Minesite entrance to Newman Tourist Centre. Mr Allen Cooper replied Council will need to seek funding as the solar lights around radio hill cycle/walkway were funded through the Country Local Government Fund. | CEO | Ordered awaiting deliver | |
| 26 July 2013 | 13.2 | CAPE KERAUDREN – WATER BORE Cr Lang Coppin asked if it was possible to access the bore on Pardoo Station and if the Shire can access and seek a licence from the State Government to use this bore. Cr Allen Cooper, Chief Executive Officer to follow up. | CEO | Review of Process being undertaken | |
| 27 September 2013 | 13.4 | SUPPORT FOR MR JACK BENNETT Cr Lang Coppin has asked the Council to support Mr Jack Bennett in his request for help in receiving funding as he does a great service to the community and people who travel on the desert roads. | CEO | To be considered | |
| 25 October 2013 | 11.1.4 | PILBARA KIMBERLEY JOINT FORUM MARCH 2014 | CEO | | On Going |
| 25 October 2013 | 13.1.1 | ELECTION OF COUNCIL MEMBERS ON COMMITTEES 2013-2015 | CEO | Letters sent to Committees | Completed |

9.1.2 2014 QUEEN'S BIRTHDAY HOLIDAY REQUESTS FOR ALTERNATIVE DATES

File Ref: ADM-14-2
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 confirm the alternative dates for the Queen's Birthday holiday in 2014 as a day of local significance.

BACKGROUND

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 29th September 2014.

Local Governments may request that the public holiday be celebrated on an alternative date of significance within their districts, in lieu of the date proclaimed as the public holiday for the rest of the state.

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2014 should provide a written request which;

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 13th December 2013 to:

Executive Director
Labour Relations
Department of Commerce
Locked Bag 14 Cloisters Square
PERTH WA 6000
Attention: Christina Eftos

COMMENTS/OPTIONS/DISCUSSIONS

Traditionally the Queen's Birthday holiday has been set on the Monday of the annual Marble Bar Race weekend for Marble Bar and Nullagine, and the Monday of the Fortescue Festival weekend that includes a race day in Newman.

The dates for the events in 2014 have been set as;

- Monday 7th July 2014 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 18th August 2014 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce, Labour Relations Division for gazettal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA).

8. Power of Governor to alter day appointed for a public holiday or bank holiday

(1) *The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*

(2) *A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

(3) *Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

POLICY IMPLICATIONS

6.7 Council Supported/Recognised Events of Community Interest

| | | | |
|------------|------------------|----------------|------------|
| Minute No: | 11.1.4 | Resolution No: | 200708/116 |
| | 9.5.2 | | 201011/230 |
| Date: | 30 November 2007 | | |
| | 15 April 2011 | | |

Objective

To identify significant community events which Council will support financially through its annual budget allocation.

Policy

Council has limited financial resources with which to support events within the Shire. Therefore, it is imperative to recognise community events which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

Newman

Lions Fortescue Festival 3rd Sunday in August

Australia Day 26th January

ANZAC Day 25th April

Free use of Newman Recreation Centre for:

Free use of Capricorn Oval – Fortescue Festival

Newman Drain Games – last Sunday in June

Family Fun Day AKA First Day of the season Newman Aquatic Centre (1st weekend in September)

Newman Film Festival (third Saturday in September)

Bloody Slow Cup

Kids Christmas Party (last week of December at Newman Aquatic Centre)

Christmas Lights Competition (last week of December)

Marble Bar

Marble Bar Race Day 1st Saturday in July

Marble Bar Fun Day Sunday following Marble Bar Race Day

Australia Day 26th January

ANZAC Day 25th April

Marble Bar Survivor Games Term 2

Christmas Lights Competition (last week of December)

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26th January

ANZAC Day 25th April

Nullagine Survivor Games Term 2

Christmas Lights Competition (last week of December)

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered 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

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Department of Commerce, Labour Relations Division be advised of the following alternative dates for the Queen's Birthday holiday 2014.

- 1. Monday 7th July 2014 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 18th August 2014 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

**9.1.3 AFFIXING COMMON SEAL TO EMPLOYMENT CONTRACT FOR
MANAGER COMMUNITY WELLBEING**

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 Community Wellbeing.

BACKGROUND

Council recently employed Ms Sue Michoff, Manager Community Wellbeing, for a three year contract term, expiring on 21st October 2016.

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.

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.

3.2 Employment opportunities

3.2.1 Promote a variety of choice in local employment

Responsible officer: DCEO

Timing: 1-5 years

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 Ms Sue Michoff, Manager Community Wellbeing for a term of three years, expiring on 21 October 2016.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - OCTOBER 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.

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 October 2013 be received.

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

6 DECEMBER, 2013

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|-----------------------------|----------------|--|--------------------|--|----------------------------------|
| 23 AUGUST 2013 | 13.1 | CCTV BACKUP CR GERRY PARSONS ASKED IF IT WAS POSSIBLE TO HAVE A BACKUP SYSTEM FOR THE CCTV DUE TO POWER OUTAGE. DEPUTY CHIEF EXECUTIVE OFFICER, MS SIAN APPLETON REPLIED WE ARE LOOKING AT COSTING FOR THE BACKUP SYSTEMS. | DCEO | UPS Installed | Completed |
| 23 August 2013 | 13.5 | CIVIC CENTRE – MARBLE BAR Cr Stephen Kiernan asked if the flooring can be repaired or replaced due to wear and tear. Also the window could be tinted and lights checked. Manager Building Assets to follow up | MBA | Windows and tinting being undertaken flooring still being assessed. | In Progress |
| 25 October 2013 | 15.1 | SKATE PARK AND BANNERS FOR MARBLE BAR Cr Stephen Kiernan asked when the mobile skate park and banners would be purchased for Marble Bar. Deputy Chief Executive Officer replied that the banners had been purchased and is awaiting delivery to Nullagine and Marble Bar. Further information is currently being sought on the mobile skate park and this will come back to the next Council meeting. | DCEO | Banners are purchased and delivered to be installed MB Skate Park is being addressed in Youth Study | In Progress |
| 25 October 2013 | 15.2 | MARBLE BAR SWIMMING POOL MOU Cr Dean Hatwell asked when the MOU between the Shire and the Education Department for Marble Bar pool expired. Deputy Chief Executive Officer to follow up. | DCEO | 17 th June 2015 | Completed |
| 25 October 2013 | 15.6 | LOCALITY MAPS FOR NEWMAN Cr Doug Stead asked if we could produce Locality Maps for Newman. Deputy Chief Executive Officer to follow up. | DCEO | Have liaised with Newman Neighbourhood Centre who is to produce these maps. | Completed |

9.2.2 PROPOSED AUDIT COMMITTEE MEETING DATES 2014

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 meeting dates of the Audit Committee for 2014 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.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration (Division 2 - Meetings) (Subdivision 3 - Matters affecting meetings) 5.25. Regulations about council and committee meetings and committees (pg 141)

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –

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

Local Government (Administration) Regulations 1996

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

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

POLICY IMPLICATIONS

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.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the dates for the 2014 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

| MEETING DATE | WEEK | COMMENCEMENT TIME | VENUE |
|-------------------------------------|--------------------------------|--------------------------|---------------|
| 6th March 2014 | 1st Thursday | 8:00am | Newman |
| 10th July 2014 | 2nd Thursday | 8:00am | Newman |
| 9th October 2014 | 2nd Thursday | 8:00am | Newman |
| 4th December 2014 | 1st Thursday | 8:00am | Newman |

9.2.3 AFFIXING THE COMMON SEAL TO THE MEMORANDUM OF TERMS FOR SHARING BROADCAST AUSTRALIA SITES, SITE 6046, MARBLE BAR.

Attachments: [Broadcast Australia - Marble Bar.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: MARBLE BAR
Name of Applicant: BROADCAST AUSTRALIA
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Memorandum of Terms for Sharing Broadcast Australia Sites (Television and Radio Services) Site Licence from Marble Bar site, Site #6046.

BACKGROUND

The current site licence expired on the 30th June 2013 and it is currently continuing on a holding over basis, terminable by either party on 1 months' notice. This service was subsidised by the Government through the RCP fund which meant the Council paid a substantially reduced rate for this service.

Broadcast Australia will raise an invoice for the period 1st July 2013 to 31 December 2013 for each service. If an agreement with Government is not reached by December and the Site Licences are not otherwise terminated, Broadcast Australia will raise another invoice for the period 1st January 2014 to 30th June 2014. Broadcast Australia anticipates that a decision will be reached by June and at that point, Broadcast Australia will re-negotiate a site Licence renewal with the Council.

COMMENTS/OPTIONS/DISCUSSIONS

That Council be notified that the common seal was applied to the Memorandum of Terms for Sharing Broadcast Australia Sites for television and radio services, located at Marble Bar, site 6046.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

POLICY

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

Legislative Authority for Delegation: s5.42 *Local Government Act 1995*

Power/Duty/Authorisation Delegated:

Authority to prepare, approve and execute the necessary documents taking into account any specific or policy requirements of the Council where:

- The Council has authorised entering into a formal contract; or
- The Chief Executive Officer considers a formal contract is required as a part of the day to day operation of the Council; or
- A formal contract is authorised under a delegated authority of the Council.

Authority for exercise of Power/Duty/Authorisation

Nil.

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENT

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78.

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

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

Goal 3 – Economic – Planned Actions

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

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

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 was affixed to the Memorandum of Terms for Sharing Broadcast Australia Sites (Television and Radio Services) Site Licence for Marble Bar site, Site 6046.

9.2.4 AFFIXING THE COMMON SEAL TO THE SITE LICENCE - BROADCAST AUSTRALIA SITES (RADIO SITE) - MARBLE BAR TRIPLE J

File Ref: CMM-1-4
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: Augusta Street, Marble Bar
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 Site Licence between Broadcast Australia and the Shire in relation to the Radio Service Triple J equipment to be located on Broadcast Australia property and to be retransmitted in Marble Bar.

BACKGROUND

Broadcast Australia will licence the Shire to operate the broadcasting retransmission service from the site (Augusta Street, Marble Bar) and to install, operate and maintain its equipment on the Site.

The JJJ radio service for Marble Bar is currently retransmitted from equipment installed on this site; however, no formal Site Licence has been entered into previously.

The Site Licence fee will be \$250 (GST ex) per annum. The Shire will also pay for power usage costs incurred.

The period for the Site Licence will be 1st July, 2013 for a period of 1 year, expiring on the 30th June, 2014. The Site Licence is terminable by either party on one month's notice.

The Shire will continue to pay the Broadcast Licence of approximately \$40 per annum to the Australian Communications & Media Authority, which licences the Shire to rebroadcast Triple J at Marble Bar.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve or not approve the request to affix the common seal to the Site Licence.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 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

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the affixing of the common seal to the Site Licence between the Shire of East Pilbara and Broadcast Australia in relation to the Radio Service Triple J equipment located on Broadcast Australia property and to be retransmitted in Marble Bar.

9.2.5 TENDER RFT 02-2013/2014 CULTURAL HERITAGE TRAIL

File Ref: FIN-4-3
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider tenders for the development of a Cultural Heritage Trail in Newman.

BACKGROUND

On the 7th December 2012 Council endorsed a submission to BHP Billiton for the funding of a Cultural Heritage Trail. The project was split into stages. The first stage entails the development of the trail. The project was tendered on the 19th October 2013 under delegated authority to the Chief Executive Officer. The tender closed on the 5th November 2013.

Tender submissions were received from the following organisations:

Anthropos Australis
UDLA and Tangelo Scott / Tangelo Creative
RPS
FORM
Lookear
TPG
Hocking Heritage Studio
35 Degrees South Marketing
A1 Plaques
Creative Spaces

COMMENTS/OPTIONS/DISCUSSIONS

Funding for this project has been allocated through the BHP Billiton Community Development Project. Tenders have been received for this project however there has been a significant variation in the tender cost. The tender process has highlighted that the stages of development of this project needs to be reconfigured to produce the best outcome.

It is therefore recommended that all tenders be rejected and the tender format be revisited.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.1 Increase community awareness

Responsible officer: MCW

Timing: 1 year

1.3.3 Implement civic engagement projects

Responsible officer: MCW

Timing: 1-3 years

Goal 2 – Social – Planned Actions

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

2.3 Art, culture and youth

2.3.1 Develop and implement community pride projects

Responsible officer: MCW

Timing: 1 year

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council reject all tenders for RFT 02-2013/2014 – Development of a Cultural Heritage Trail.

**9.2.6 TENDER RFT 03-2013/2014 SUPPLY AND INSTALLATION OF
BOOMERANG OVAL PLAYGROUND AND DOG AGILITY PARK**

File Ref: FIN-4-3
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the tenders for the supply and installation of the Boomerang Oval Playground and Dog Agility Park.

BACKGROUND

As part of an underspend from the Boomerang and Capricorn Sporting Upgrade funding under the Royalties for Regions funding Council was distributed information on the development of a playground and dog agility park in corporate discussion. The project was tendered on the 19th October 2013 under delegated authority to the Chief Executive Officer. The tender closed on the 5th November 2013.

Tender submissions were received from the following organisations:

Environmental Industries
Landscaping WA
Building Civil Landscapes
DME Contractors

COMMENTS/OPTIONS/DISCUSSIONS

Tenders for this project came in over budget. The amounts were significant enough that a variation under the tender could not be considered. It is therefore recommended that Council reject all submissions for this tender.

It is proposed that with the endorsement of Royalties for Regions the consultant who designed the work reduce the scope of works and the project be retendered as soon as practical.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

- 1.3.3 Implement civic engagement projects
Responsible officer: MCW
Timing: 1-3 years

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

- 2.1.2 Encourage active lifestyles
Responsible officer: MCW
Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Reject all tenders for RFT 03-2013/2014 – supply and installation of Boomerang Oval Playground and Dog Agility Park;**
- 2. Endorse the reduction of scope of works for the project;**
- 3. Retender the works.**

9.2.7 FUNDING REQUEST LETTER FOR USE OF NEWMAN AQUATIC CENTRE FOR THE 2013/2014 SEASON BY NEWMAN AMATEUR SWIMMING CLUB (NASC)

File Ref: REC-21-2

Attachments: [Newman Swim Club - Requested Fees and Charges 2013-2014.xlsx](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sharon Walsh
Manager Recreation Services

Location/Address: Newman

Name of Applicant: Newman Amateur Swimming Club

Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider the request made by the Newman Amateur Swimming Club (NASC) for free use of the Newman Aquatic Centre for the 2013/2014 season.

BACKGROUND

The following actions have occurred between the Shire and NASC.

During the summer of 2008, the NASC paid "as they went" to use the Newman Aquatic Centre.

During the summer season of 2009, the NASC were invoiced \$5,146.00 (inc GST) for entries and lane hire and the Club paid these fees upon invoice.

During the summer season of 2010, as per Council Resolution 201011/77 moved by Councillor Grace/seconded by Councillor Portland (24th Sept 2010 Minutes), the NASA were given free use of the Newman Aquatic Centre, to a total cost of \$3,398.00 (exc. GST) incurred by the Shire. This was for free entry for all Club members and associated exclusive lane hire.

In the summer season of 2011, Council deferred the Officers recommended to allow free use of the facility and lane hire to the Club, as it was noted in the Minutes that this was an operational matter - refer to the 23rd Sept 2011 Minutes. NASA was however, given free use of the Newman Aquatic Centre, which was a total cost of \$2,618.18 incurred by the Shire. This was for free entry for all Club members and associated exclusive lane hire.

For the summer season of 2012, a letter was not received by the Shire regarding a waiver of fees from the NASC. However, as per previous arrangements, the Club was given free entry and lane hire for their members at a cost of \$4,187.82 which was incurred by the Shire.

On the 16th September 2013, the NASC requested financial assistance for the 2013 summer season. Their request is based on the worst case scenario, meaning, the maximum expenditure that could be expected to be incurred by the Shire, based on the Club's estimate of 250 swims per week. Using this estimation of swims per week, this equates to a total cost of \$17,136.80 in pool entry fees being waived for the Club.

COMMENTS/OPTIONS/DISCUSSIONS

Based on historical data and the experience and knowledge of Shire aquatic staff, it is more likely to be 80 swims per week that actually occurs by the NASC members. Therefore the total cost of their request, if based on a more realistic figure, would likely to be in the vicinity of \$2,600 - \$4,200.

An inequity arises if the NASC are charged entry fee and lane hire fees for their junior members to use the NAC, as other junior sports clubs whom use ovals and greens spaces are not charged usage fees by Council. Other junior community organisations that use shire community buildings such as the Newman Scouts are also not charged usage fees, only the cost associated with the yearly building licence fee.

Junior clubs using outdoor ovals are charged sports ground lighting fees if they elect to train and/or play at night.

Those parents who are present and observe their children participating in swimming club training are not charged a spectator fee, as stated in the current 2013/2014 Fees and Charges document.

Therefore, it is suggested that the following occur:

1. Waive the hire of lanes fees at the Newman Aquatic Centre for the Newman Amateur Swimming Club to the maximum value of up to \$5,000, for the next 5 consecutive years. Current estimates suggest this will be in the vicinity of approximately \$4,776.80 for the 2013 season.
2. Council informs the NASA President Lisa Parker that the Club will be charged through an invoice, for the total amount of swim club member entries per month.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.2 Encourage active lifestyles
Responsible officer: MCW
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Offer free lane hire for the training and time trial sessions that occur within the normal opening hours of the Newman Aquatic Centre to the Newman Amateur Swimming Club for the next five consecutive years, up to the maximum value of \$5,000 per year.**
- 2. Amend the Fees and Charges to reflect these changes**
- 3. Advertise by local public notice the adopted new fees pursuant to Section 6.19 Local Government Act.**

9.2.8 RATES MINING TENEMENTS ASSESSMENTS

| | |
|---------------------------------------|--|
| Responsible Officer: | Ms Sian Appleton Deputy Chief Executive Officer |
| Author: | Mrs Deb Thoars Rates Revenue Finance Officer |
| Location/Address: | N/A |
| Name of Applicant: | Holocene Pty Ltd |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

To seek approval to write off rates levied on Mining Tenements for 2013/14 financial year and apply the minimum rate of \$200.00.

BACKGROUND

Holocene Pty Ltd wish to request waiving of Shire rates on the granted tenements until such time to enable the Company to continue negotiations with the Tjamu-Tjamu Native Title Holders aimed at reaching an agreement over the area making way for Potash recovery operations should feasibility studies prove the project viable.

Reward/Holocene has a significant Potash resource in the WA portion of Lake Mackay located near the WA/NT border in Central Australia. The tenements cover very large areas of the lakebed within Lake Mackay which straddles the WA/NT border. The area is very remote and the only serviceable road in the area is the Gary Junction Road which passes approximately 40km south of Lake Mackay between Kintore and Kiwirrkurra section.

In 2008, Holocene Pty Ltd and Tjamu Tjamu Aboriginal Corporation RNTBC entered into a Deed of Agreement in relation to exploration works on Holocene's exploration tenements on and near Lake MacKay. The preliminary resource estimate was outlined 16 November 2009 but progress on negotiating an Indigenous Land Use Agreement for that project has been disappointingly slow notwithstanding that the Tjamu Tjamu Traditional Owners have indicated that they are not averse to a Potash recovery operation at Lake Mackay – in fact in favour of an operation subject to agreement on acceptable commercial terms.

It is the Central Desert Native Title Services (CDNTS) the advisory body to the Tjamu Tjamu Traditional Owners which is the main cause of the delays incurred. Reward/Holocene attempted to open up new discussions with CDNTS in June 2012.

Further information provided from Holocene Pty Ltd stating that the Mines Department refunded the 2012/13 rent on the following tenements totalling \$152,276.70 as per documentation attached.

COMMENTS/OPTIONS/DISCUSSIONS

| Assessment # | Owner | Property ID | Amount | Details |
|--------------|--|-------------|--------------------------------------|--|
| A700200 | Holocene Pty Ltd PO Box 1104 Nedlands WA 6909 | E80/3748 | \$3,793.98 - 200.00 \$3,593.98 | Tenement granted 13 th June 2008. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Central Desert Native Title Services (CDNTS). See attached correspondence. |

| Assessment # | Owner | Property ID | Amount | Details |
|--------------|--|-------------|--------------------------------------|--|
| A700201 | Holocene Pty Ltd PO Box 1104 Nedlands WA 6909 | E80/3749 | \$8,823.40 - 200.00 \$8,623.40 | Tenement granted 13 th June 2008. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Central Desert Native Title Services (CDNTS). See attached correspondence. |

| Assessment # | Owner | Property ID | Amount | Details |
|--------------|--|-------------|--------------------------------------|--|
| A700202 | Holocene Pty Ltd PO Box 1104 Nedlands WA 6909 | E80/3750 | \$8,823.40 - 200.00 \$8,623.40 | Tenement granted 13 th June 2008. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Central Desert Native Title Services (CDNTS). See attached correspondence. |

| Assessment # | Owner | Property ID | Amount | Details |
|--------------|--|-------------|--------------------------------------|--|
| A700203 | Holocene Pty Ltd PO Box 1104 Nedlands WA 6909 | E80/3751 | \$8,602.77 - 200.00 \$8,402.77 | Tenement granted 13 th June 2008. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Central Desert Native Title Services (CDNTS). 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 \$29,243.55

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council waive the full amount of \$30,043.55 which is the rates levied on the tenements and the minimum amount of \$200.00 (\$800.00) for each Exploration Licence to be applied for the 2013/14 financial year until such date that the access has been given and written correspondence received of the new date in force for charges.



Government of **Western Australia**
Department of **Mines and Petroleum**

6 SEP 2013

Your ref:
Our ref:
Enquiries: Isabel McCagh
Ph: 9222 3360
Fax: 9222 3452
Email: Isabel.ccagh@dmp.wa.gov.au

Holocene Pty Ltd
PO Box 1104
NEDLANDS WA 6909

Attn: Michael Ruane

Dear Sir,

**APPLICATION FOR RENT RELIEF AFFECTING EXPLORATION LICENCES
80/3748 TO 80/3751**

I refer to your request for rent relief in respect to the above licences and wish to advise that the Minister for Mines and Petroleum has approved an act of grace payment amounting to \$152,276.70. This amount comprises all of the rent paid for the year ending 12 June 2013 and pro rata rent for the period from 25 February 2012 to 12 June 2012.

A cheque for the abovementioned amount will be issued in the near future.

Yours sincerely

for 
EXECUTIVE DIRECTOR
MINERAL TITLES DIVISION
5 September 2013

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www.dmp.wa.gov.au
www.wa.gov.au
ABN 69 410 335 356

10/09/13

9.2.9 PUBLIC INTEREST DISCLOSURE ACT 2003

File Ref: LEG-1-10
Attachments: [PID.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 change of position name as the Public Interest Disclosure Officer, from Director of Corporate Services to Deputy Chief Executive Officer.

BACKGROUND

On the 6th of February 2004, item 8.1.3, Council resolved;

“THAT Council appoint the Director Corporate Service of the Shire of East Pilbara as the Public Interest Disclosure Officer.”

The Act states; that;

“The Chief Executive Officers of a public authority will be required to appoint a person to receive disclosures; to provide protection to employees who make a disclosure; to ensure that their agency complies with the legislation and code; and to prepare procedures relating to agency obligations under the legislation.”

Where practicable the Public Interest Disclosure Officer ought not be the principal executive officer of the public authority therefore, the Public Interest Disclosure Officer should be a senior officer within the organisation who is provided with support in relation to their obligations.

COMMENTS/OPTIONS/DISCUSSIONS

Director Corporate Service position is no longer in existence. This change will need to be reflected in the Public Interest Disclosure Procedures. Changes are permitted provided obligations are met under the Public Interest Disclosure Act.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public Interest Disclosure Act 2003 – Part 5 Section 23

- (1) The principal executive officer of a public authority must –
- a) Designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information; an

- b) Provide protection from detrimental action or the threat of detrimental action for any employee of the public authority who makes an appropriate disclosure of public interest information; and
- c) Ensure that his or her public authority complies with this Act; and
- d) Ensure that his or her public authority complies with the code established by the Commissioner under section 20; and
- e) Prepare and publish internal procedures relating to the authority's obligations under this Act; and
- f) Provide information annually to the Commissioner on-
 - I. The number of public interest disclosures received by a responsible officer of the authority over the report period; and
 - II. The results of any investigations conducted as a result of the disclosures and the action, if any, taken as a result of each investigation,; and
 - III. Such other matters as are prescribed.

(2) Internal procedures prepared under subsection (1) (e) must be consistent with guidelines prepared by the Commissioner under section 21.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Council endorse the change of position name as the Public Interest Disclosure Officer from Director Corporate Service to Deputy Chief Executive Officer.**
- 2. Council endorse the changes to the Public Interest Disclosure procedures as required to reflect the position name change.**

9.2.10 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

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 th March 2011 |
| 9.1.8 | 3 rd February 2012 |
| 9.2.4 | 25 th May 2012 |
| 9.2.7 | 28 th July 2012 |
| 9.2.6 | 28 June 2013 |
| 9.2.7 | 27 September 2013 |

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

NOTE: All figures in this policy are exclusive of GST.

The following procedures will be adhered to when purchasing items and other goods and services. 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 a purchase order will be utilised and three verbal or written quotes shall be obtained. |
| \$40,000 - \$99,999 | Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, Deputy Chief Executive Officer and/or Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable. |
| \$100,000 & greater | Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council. |

Capital Expenditure

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

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

- Any item budgeted as a capital item in the adopted budget;

- . Any item to be purchased which involves the replacement of an existing asset through the sale, trade-in, write-off or disposal of an item on the fixed asset register.

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

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

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

Orders for Goods & Services

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

Orders should never be raised retrospectively.

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

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

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

- Managers
- Coordinator Property Services

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

- 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 & Client Services Officer – Martumilli
- Technical Services Administration Officer
- RPT Bus Driver
- Executive Services Administration Officer (restricted to staff & councillor training/conference expenses)

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.

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: | 27th June 2003 |
| | 5th May 2006 |
| 9.3.5 | 27th April 2007 |
| 9.4.1 | 24th July 2009 |
| 9.1.6 | 29th January 2010 |
| 9.2.5 | 11 March 2011 |
| 9.1.8 | 3 February 2012 |
| 9.2.4 | 25 May 2012 |
| 9.2.7 | 28 July 2012 |
| 9.2.6 | 28 June 2013 |
| 9.2.7 | 27 September 2013 |

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

NOTE: All figures in this policy are exclusive of GST.

The following procedures will be adhered to when purchasing items and other goods and services as per the adopted budget. All purchase orders are to be completed as set out below.

| | |
|---------------------|--|
| \$0 - \$50 | Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range. |
| \$51 - \$5,000 | Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained. |
| \$5,001 - \$39,999 | Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained. |
| \$40,000 - \$99,999 | Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable. |
| \$100,000 & greater | Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council. |

Capital Expenditure

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

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

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

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

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

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

timing of the expenditure on major items of capital should be discussed and agreed with the Deputy Chief Executive Officer.

Orders for Goods & Services

Purchase orders must be made out and signed by authorised persons for all goods and services ordered for the Shire at the time that the order is placed. **Orders should never be raised retrospectively.**

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

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

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

- Managers
- Coordinator Property Services

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

- Coordinators
- Works Supervisor (Newman and Marble Bar)

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

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

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

Light Vehicle Purchases

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

Consultants Services

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

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

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

Light Vehicle Disposals

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

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

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

- *Valuation by the auction house.*
- *Valuation from a recognised source 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 exempt (regardless of the value of expenditure):

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

9.2.11 BUDGET AMENDMENT 2013-2014 – CAPE KERAUDREN BOAT RAMP STUDY

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mr Warren Barker
Coordinator Building Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To request approval for the creation of an unbudgeted capital general ledger account in relation to the expenditure for the Cape Keraudren Boat Ramp Study and to approve the transfer of \$18,442 from the allocated budget for operating expenditure general ledger account 131001 (General Operating Expenses) to the newly created capital account.

BACKGROUND

The Department of Transport approved the Shire's Recreational Boating Facilities Scheme Round 18 funding application for \$55,327 (gst ex). The funding is to assist with the costs to complete a site investigation and design an upgrade to the Cape Keraudren boat ramp.

The total project cost will be \$73,769 (gst ex). The Consultant undertaking the site investigation and design will include detailed engineering drawings, detailed cost estimates, recommendations for a proposed new boat ramp, an environmental impact report, a Met Ocean Study and also a boat ramp assessment.

COMMENTS/OPTIONS/DISCUSSIONS

The capital expenditure account for this project had not been included in the budget preparation for 2013-14. The amount of \$73,769 will be expensed to this capital account.

Funding of \$55,327 will be received upon completion of the Cape Keraudren Boat Ramp Study project and following the receipt of the grant acquittal. This will be receipted to general ledger 132009

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 2 - Annual budget) 6.3. Budget for other circumstances (pg 212)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

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.

4.1 Reduce the Shire's ecological footprint

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation, if approved will alter the following figures.

Account number 131001 budget \$81,000 reduced by \$18,442 to \$62,558.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve the creation of an unbudgeted capital general ledger account in relation to the expenditure for the Cape Keraudren Boat Ramp Study.**
- 2. Approve the transfer of \$18,442 from the operating expenditure general ledger account 131001 (General Operating Expenses) to the newly created capital account.**

9.2.12 CHANGE TO FEES AND CHARGES AT THE NEWMAN AQUATIC CENTRE

File Ref: REC-21-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Recreation Services
Location/Address: Newman Aquatic Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek an amendment to the current Fees and Charges as they relate to the private swimming lessons offered at the Newman Aquatic Centre.

BACKGROUND

In August 2013, the 2013/2014 Fees and Charges were adopted by Council. This occurred before Royal Life Saving Society (RLSS) completed their October audit of the Newman facility. As result of this audit, RLSS have now suggested the fee charged by the Shire of East Pilbara for private one-on-one swimming lessons at the Newman Aquatic Centre is significantly lower that what other Pilbara and Kimberley Swimming Schools charge per student.

COMMENTS/OPTIONS/DISCUSSIONS

The Newman Aquatic Centre (NAC) is an endorsed Swimming School, administered by RLSS. The NAC Swim School works closely with the RLSS branded programme as it provides our staff with trusted programmes; access to professional education resources and training. Most importantly, it gives the facility an affiliation with a state programme that is recognisable by the general public.

For the past 11 years, RLSS has taken a proactive leadership role in the prevention and regulation of safe benchmarks for public aquatic centres. The Shire engages RLSS every 4 years to undertake an independent Code of Practice Compliance Assessment of the two public pools operated in Newman and in Marble Bar. Whilst the results of their recent October audit are yet to be finalised, Assessor Mr Eddie Gibbs met with Shire staff after his recent visit and made comment that the Newman facility is undercharging for private swimming lessons offered in Newman.

Shire staff completed a recent phone survey of neighbouring aquatic centres as it relates to private swimming lessons held at public swimming pools:

| LOCATION | AMOUNT | DURATION | CUSTOMERS |
|---------------|--|------------|-------------------|
| Port Hedland | \$46.50 | 30 minutes | Regardless of age |
| South Hedland | \$46.50 | 30 minutes | Regardless of age |
| Tom Price | \$15 – private tutor using a public pool | 20 minutes | Regardless of age |
| Derby | \$38 | 30 minutes | Regardless of age |
| Kununurra | \$30 | 30 minutes | Regardless of age |

The current fee for a private 30 minute one-on-one swimming lesson offered at the Newman Aquatic Centre is \$30 regardless of the age of the participant.

Some parents can afford to pay this cost instead of enrolling their children into the cheaper group lessons option which costs \$15 and 8 children are present in the lesson. Due to our limited amount of Swim Teachers, our swim school is finding it difficult to schedule the high demand for private lessons in comparison to the high demand for group lessons.

Based on the above comparative table and the verbal information received from Mr Eddie Gibbs, the fee currently charged at the NAC for this service is on the lower end of the scale when compared to other public pools in the Pilbara region.

RLSS have suggested the fee charged in Newman should be increased to \$45 for a 35 minute private one-on-one swimming lesson. Shire aquatic staff are of the belief that if an increase in charges associated with one-on-one lesson was introduced, it may cause parents to reconsider enrolling their children in the group lesson option instead of a private lesson option, allowing our Swim School to be more effective by increasing the volume of children being taught how to swim.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.4 Support individual and community health

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations. An increase in fees will result in an increase in revenue.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Increase the fee for a one-on-one private swimming lesson to \$45 for a 35 minute session.**
- 2. Amend the Fees and Charges to reflect these changes**
- 3. Advertise by local public notice the adopted new fees pursuant to Section 6.19 Local Government Act.**

EVERYONE CAN BE A LIFESAVER



Royal Life Saving

THE ROYAL LIFE SAVING SOCIETY (WESTERN AUSTRALIA) INC.



Royal Life Saving Endorsed Swim Schools

What it costs – FREE There is no registration cost to become a Royal Life Saving Endorsed Swim School (ESS).

Becoming a Royal Life Saving Endorsed Swim School recognises your commitment to long term aquatic education giving you:

- association with a high recognition logo.
- association with trusted programs.
- access to professional educational resources and training.
- credibility backed by the nationally recognised educator of "swimming and lifesaving".

What support you receive via the **Endorsed Swim School Promotional Activities:**

- **ESS Website** – free listing on the Endorsed Swim School website.
- **Aquaquiz Activity Booklets** – as many as required for your participants plus prizes.
- **Swimmers Bags** – a great giveaway to your Swim School participants to bring to lessons.
- **Bumper Sticker Promotion** – issued to each ESS to promote Swim & Survive & the website list.
- **Swimming Caps** – a great giveaway to your Swim School participants to bring to lessons.

RLSS will also support its ESS network via:

- **ESS Online Newsletter** – monthly to all ESS ensuring regular contact between the Swim School and RLSS and the supply of current information.
- **Instructor Assessment Guide** – available to download on ESS website.
- **Nationally Recognised Programs** – researched and developed with the ESS network for the ESS network.
- **Staff Training** – Personal development sessions for your Swim School Staff upon request.
- **S&S TV Campaign** – broadcast throughout summer on Channel TEN promoting S&S and ESS.
- **Infant Aquatics TV Commercial** – broadcast throughout summer on Channel TEN promoting Infant Aquatics and ESS.
- **Swim School Open Days** – promoting your venue at the start of summer. All marketing (radio, papers, flyers, posters) and resources supplied by RLSS.
- **Promotional Print Materials** – brochures and posters used to compliment and promote the programs delivered by your Swim School.
- **Face to Face Service** – endorsement by the State branch means face to face contact with a RLSS representative.
- **Access to Equipment & Resources** – RLSS can help out with kickboards, PFD's, throw ropes, resuscitation manikins etc.

For more information visit lifesavingwa.com.au or call Royal Life Saving on 08 9383 8200.

9.2.13 MONTHLY FINANCIAL STATEMENTS - SEPTEMBER 2013

| | |
|---------------------------------------|---|
| File Ref: | FIN-23-5 |
| Attachments: | September 2013 Variance Report.doc Financial Statements September 2013 |
| 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 12-page report details the financial activities of the Council for the period September 2013 of the 2013/2014 financial year –

There are 4 sections of the monthly report:

1. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
2. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
3. Graphs which show budget v actual and Income & Expenditure by Nature and Type
4. A schedule detailing all expenditure for the year to date for individual capital items.
5. A statement of cash flows.

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management

Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

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

9.2.14 MONTHLY FINANCIAL STATEMENTS - OCTOBER 2013

| | |
|---------------------------------------|--|
| File Ref: | FIN-23-5 |
| Attachments: | October 2013 Variance Report.doc October Financial Statements.pdf |
| Responsible Officer: | Ms Sian Appleton Deputy Chief Executive Officer |
| Author: | Ms Lisa Davis Coordinator Financial Services |
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

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

BACKGROUND

The attached 12-page report details the financial activities of the Council for the period October 2013 of the 2013/2014 financial year –

There are 4 sections of the monthly report:

6. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
7. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
8. Graphs which show budget v actual and Income & Expenditure by Nature & Type
9. A schedule detailing all expenditure for the year to date for individual capital items.
10. A statement of cash flows.

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management

Division 4 General financial provisions
Section 6.4(2)

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period October 2012 of the 2013/2014 financial year as presented be received.

9.2.15 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 from 11/09/13 to 07/11/13.

COMMENTS/OPTIONS/DISCUSSIONS

| FUND | VOUCHER | AMOUNT |
|----------------------|--------------------|------------------------------|
| EFT Payments | EFT21260-EFT21675 | 3,443,502.16 |
| | Total | \$3,443,502.16 |
| Cheque Payments | 22379-22463 | 450,861.58 |
| Written Chq Payments | 114-120 | 69,027.86 |
| | Total | \$519,889.44 |
| | GRAND TOTAL | <u>\$3,963,391.60</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
22432

CANCELLED CHEQUES & EFTS
EFT21528, 22422

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 \$3,963,391.60

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

| FUND | VOUCHER | AMOUNT |
|----------------------|--------------------|------------------------------|
| EFT Payments | EFT21260-EFT21675 | 3,443,502.16 |
| | Total | \$3,443,502.16 |
| Cheque Payments | 22379-22463 | 450,861.58 |
| Written Chq Payments | 114-120 | 69,027.86 |
| | Total | \$519,889.44 |
| | GRAND TOTAL | <u>\$3,963,391.60</u> |

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS

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 October 2013 be received.

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

6 DECEMBER, 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. | DTDS Cr Coppin | Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Next step to develop theme and seek funding | In Progress |
| 23 August 2013 | 13.3 | WOODIE WOODIE AREA Cr Kevin Danks has asked if it was possible to have the correct names on the signs. Cr Kevin Danks will give the correct names. Director Technical and Development Services to follow up. | MTS-R | To be actioned once manes received from Cr Danks | Pending |
| 23 August 2013 | 13.6 | STREET NUMBERING MARBLE BAR Cr Stephen Kiernan asked what was happening in regards to the street numbering in Marble Bar. Director Technical and Development Services to follow up. | DTDS | RRN theme with reflective plate on star picket. Finalising costing costing with steel cap. Then will look at total cost, how to fund and how to deliver. | In Progress |
| 27 September 2013 | 13.2 | REVIEW OF EMPLOYEE A MECHANIC Cr Dean Hatwell requested that a review be again undertaken for the employment of a Shire mechanic versus the use of external contractors | DTDS MTS-R | A mechanic position has always been open and filled unsuccessfully at different times. Staff continue to assess situation and best outcome for shire & MB. Looking at a service technician/maintenance person tp fill role and relieve works supervisor to carry out other priority works. | In Progress |
| 27 September 2013 | 13.5 | CAMPING AT OPHTHALMIA DAM Cr Gerry Parsons asked did Council find out if people can camp at the dam and if it can be put back on the action list. | DTDS CRES MDS-P MDS-H | Staff to investigate and provide report. On mining area . Shire has no formal jurstiction. Signage indicates | In Progress |

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

6 DECEMBER, 2013

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|-----------------------------|----------------|---|--------------------|-----------------------------|----------------------------------|
| | | Mr Rick Miller, Director Technical and Development Services to follow up. | | no camping allowed. | |
| 25 October 2013 | 15.4 | OPHTHALMIA DAM ROAD Cr Shane Carter asked if the Ophthalmia Dam Road could be graded, | DTDS | Works Request Raised | In Progress |
| 25 October 2013 | 15.5 | RADIO HILL BAR-B-QUE DAMAGE Cr Shane Carter reported that the Radio Hill Bar-b-que is damaged. | DTDS | Works Request Raised | In Progress |

**9.3.2 AFFIX THE COMMON SEAL TO MAINTENANCE AND SUPPORT
CONTRACTS – SMITHS DETECTION SCREENING EQUIPMENT**

File Ref: FIN 23-2
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 inform Council that the Deputy Chief Executive Officer applied the common seal of the Shire of East Pilbara to Maintenance and Support Contracts with Smiths Detection for the maintenance of Checked Baggage and Explosive Trace Detection equipment.

BACKGROUND

Baggage screening equipment in the form of Checked Baggage Screening (CBS) and Explosive Trace Detection (ETD) equipment was provided to Newman Airport through a Federal Government grant during 2008/09. This included first year maintenance and support under a manufacturer's warranty (Smiths Detection), and another four years of support under the same government grant.

These two maintenance and support contracts expire in December 2013 and April 2014 respectively. The equipment in question has a life expectancy of another two to three years without upgrading, provided regular maintenance is conducted.

COMMENTS/OPTIONS/DISCUSSIONS

Council's Resolution 201314/32 dated 28 June 2013 refers.

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.

CARRIED

RECORD OF VOTE: 7 - 0

To be actioned by Mr Leon Burger, Manager Airport Services.

In addition to ensuring optimum service delivery of screening equipment through proper maintenance, the shire's application to become the Newman Airport Screening Authority requires proof that adequate maintenance support for equipment is ensure through contracts.

It is therefore imperative that adequate maintenance and support contracts be established in time to ensure continued operations, and to be able to lodge the Screening Authority application in time.

Maintenance and support contracts for the following has been negotiated and agreed upon between the Shire of East Pilbara and Smiths Detection:

| | |
|------------------------------|----------------------------|
| TC 2013255 | TC 2013256 |
| Explosive Trace Detection | Checked Baggage Detection |
| 01 May 2014 to 30 April 2016 | 05 Dec 2013 to 04 Dec 2016 |
| Year 1: \$8,040.00 + GST | Year 1 \$51,360.00 + |
| GST | |
| Year 2: \$8,442.00 + GST | Year 2 \$53,860.00 + |
| GST | |
| | Year 3 \$56,485.00 + GST |

STATUTORY IMPLICATIONS/REQUIREMENTS

- 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

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78.

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara to Maintenance and Support Contracts TC 2013255 and TC 2013 256 with Smiths Detection for the maintenance of Checked Baggage and Explosive Trace Detection equipment.

**9.3.3 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDERS
FOR THE PERIOD TO 31 JANUARY 2014**

File Ref: LEG-13-1
Responsible Officer: Ms Sian Appleton – Acting CEO
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

To request Council to delegate authority to the CEO to award tenders for the period up to the next Ordinary Council meeting to be held on 6 December 2013. This is to allow projects that have tight timelines related to grants and acquittals to be progressed to minimise the risk of losing grant funding and to deliver the works programme.

BACKGROUND

Shire officers have reviewed the adopted budget and noted that several approved projects are linked to external funding and have certain timeframes for works to be completed and acquitted. With funding becoming more and more difficult to obtain, funding bodies are also tightening up on acquittal timelines and in some cases money allocated is being withdrawn, if projects run over the agreed time. To minimise the risk of this occurring with shire projects, staff have selected three projects that are likely to be tendered and could be awarded before 31 January 2014 to assist in meeting the acquittal and delivery deadlines.

COMMENTS/OPTIONS/DISCUSSIONS

It will be recommended that the CEO (or in the absence of the CEO, the Acting CEO) be delegated authority to award tenders for the following projects up to the nominated values

| Description | Funding Provider | Expenditure Account | Budget Amount (Ex GST) |
|---|------------------|---------------------|------------------------|
| RFT 3 _ 2013/2014: Boomerang Oval Playground and Dog Agility Equipment & Landscaping | Grant | 119080 | \$900,000 |
| RFT 05_ 2013/2014: Supply and Installation of Pathways and Road Kerbing | Muni | 129574 | \$800,000 |
| | Mun | 121013 | |
| | Mun | 121016 | |
| | Mun | 129573 | |
| | RBN | 129603 | |
| | CLGP | 129602 | |
| | Airport | 129047 | |

| | Reserve/Fees | | |
|---|---------------------|--------------------------------------|-------------|
| RFT 07_2013/2014: Relocate Recycled Reuse Main – Newman Drive | Mun | 129599 | \$200,000 |
| RFT 08_2013/2014: Wastewater Treatment Plant Upgrades – Clarifier, Earthworks and Power | Loan/Fees & Charges | 109002 | \$1,990,000 |
| RFT 06_2013/2014: Cat Management Facility | Grant/Muni | 59019 | \$230,000 |
| RFT 10_2013/2014: Kalgan Drive Roadworks | Blackspot - Federal | 129598 | \$395,000 |
| RFT 10_2013/2014: Newman Drive Roadworks | Blackspot - Federal | 129600 | \$375,000 |
| RFT 12_2013/2014: Provision of Landscape Maintenance Services | Muni | 121042 121030 121180 111576 | \$450,000 |
| RFT 15_2013/2014: SES Building | Grant | 59015 | \$850,000 |

It should be noted that staff expect some of the projects to come under budget which may allow additional related projects to be delivered

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 4 – Local government employees) 5.42. Delegation of some powers and duties to CEO (pg 154)

(1) A local government may delegate (absolute majority required) to the CEO the exercise of any of its powers or the discharge of any of its duties under-

(a) this act other than those referred to in section 5.43; or

(2) A delegation under this section is to be in writing and may be general or otherwise provided in the instrument of delegation.

Part 5 - Administration (Division 4 – Local government employees) 5.43. Limits on delegations to CEO (pg 155)

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

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 as per the adopted budget. All purchase orders are to be completed as set out below.

| | |
|---------------------|--|
| \$0 - \$50 | Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range. |
| \$51 - \$5,000 | Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained. |
| \$5,001 - \$39,999 | Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained. |
| \$40,000 - \$99,999 | Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable. |
| \$100,000 & greater | Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council. |

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

Purchase orders must be made out and signed by authorised persons for all goods and services ordered for the Shire at the time that the order is placed. **Orders should never be raised retrospectively.**

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

- Deputy Chief Executive Officer

- Director Technical & Development Services

- Manager Technical Services – Rural (road construction and plant only)

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

- Managers

- Coordinator Property Services

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

- Coordinators

- Works Supervisor (Newman and Marble Bar)

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

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

- Duty Officers – Newman Aquatic Centre

- Team Leader – Works Crew (Newman)

- Field Officer and client Services – Martumili

- Technical Services Administration Officer

- RPT Bus Driver

- Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)

Light Vehicle Purchases

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

Consultants Services

Services separately identified in the adopted budget to be at officer's discretion up to \$20,000. Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds. A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction. The reserve sale price is to be determined by the Manager Technical Services – Rural in conjunction with the Chief Executive Officer and/or the Director Technical and Development Services.

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

- Valuation by the auction house.

- *Valuation from a recognised source 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 exempt (regardless of the value of expenditure):

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

Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

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

Goal 3 – Economic – Planned Actions

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

- 3.3 Provide adequate community infrastructure
- 3.3.1 Ensure well managed and equitable provision of community infrastructure
Responsible officer: MBA
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council delegate authority to the CEO(or in the absence of the CEO the Acting CEO) under s.5.42 (1) & (2) and s.5.43 (b) of the Local Government Act, to accept the following tenders for the period up to 31 January 2014 up to the value of the nominated amounts:

| Description | Expenditure Account | Budget Amount (Ex GST) |
|--|--|------------------------|
| RFT 3 _ 2013/2014: Boomerang Oval Playground and Dog Agility Equipment & Landscaping | 119080 | \$900,000 |
| RFT 05_ 2013/2014: Supply and Installation of Pathways and Road Kerbing | 129574 121013 121013 129573 129603 129602 129047 | \$800,000 |
| RFT 07_ 2013/2014: Relocate Recycled Reuse Main – Newman Drive | 129599 | \$200,000 |
| RFT 08_ 2013/2014: Wastewater Treatment Plant Upgrades – Clarifier, Earthworks and Power | 109002 | \$1,990,000 |
| RFT 06_ 2013/2014: Cat Management Facility | 59019 | \$230,000 |
| RFT 10 _ 2013/2014: Kalgan Drive Roadworks | 129598 | \$395,000 |
| RFT 10 _ 2013/2014: Newman Drive Roadworks | 129600 | \$375,000 |
| RFT 12_ 2013/2014: Provision of Landscape Maintenance Services | 121042 121030 121180 111576 | \$450,000 |
| RFT 15_ 2013/2014: SES Building | 59015 | \$850,000 |

9.3.4 ASSET MANAGEMENT PLAN – SHIRE AIRPORTS

| | |
|---------------------------------------|---|
| File Ref: | FAC 1-5 |
| Attachments: | Airport AMP Nov 2013 Final docx |
| 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 endorsement of the Asset Management Plan – Shire Airports, as a key component of the Shire’s asset management strategy, and fulfils the requirement for the Integrated Planning & Reporting framework.

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 Program is to improve asset management capability within the local government sector. The objective of the asset management initiative is to:

- Raise the skills and understanding of asset management principles and systems across the sector; and
- Have all local governments implement “core level” asset management systems aligned to national frameworks.

The DLG has developed an Integrated Planning and Reporting Framework, which identifies a strong link between asset management and key corporate documents such as the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Reports. The Shire of East Pilbara has developed an asset management framework which incorporates the elements of the DLG’s Integrated Planning and Reporting Framework. The asset management framework encompasses this asset management strategy as well as a number of asset management plans and in accordance with the requirements identified by the DLG, it is aimed at improving and enhancing:

- Sustainable management of local government assets and financial resources through a ‘whole of life’ and ‘whole of organisation’ approach.
 - The link between asset management plans, long term financial and strategic planning.
-

- The Process of continuous improvement in their asset management practice to match:
 - the changing service delivery needs of their communities; and the increasing integration of asset management with their strategic directions.

COMMENTS/OPTIONS/DISCUSSIONS

This Asset Management Plan has been developed to:

- Provide an overview of the current infrastructure owned and/or managed by the Shire;
- Identify the service delivery levels required for the assets;
- Identify the current status of the infrastructure portfolio, including asset values and expenditure projections;
- Document the Shire's asset management practices in relation to planning, acquisition, operation, maintenance, renewal and disposal of these assets.
- Identify the tasks and resources required to manage and maintain the Shire's airport management infrastructure portfolio to an agreed standard; and
- Provide an outline of the strategies and actions to improve the planning and management of the Shire's airport infrastructure assets.

The document will be a living document and provides an assessment of where we are now and a guide on what we need to do to maintain the Shire Airports assets to an acceptable level of service and the philosophy of maintaining the asset in a sustainable manner. Costings in the document will give a guide to proposed future expenditure but, with ongoing and future analysis they aren't to be seen as final. Further review and checking of calculations will be completed for future budgets.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

3.2 ASSET MANAGEMENT

Minute No: Item 10.3.6

Date: 29th January 2010

Objective

To set out the Council's commitment to manage and care for its assets in a way that ensures continuity of service delivery.

Policy

"Asset – anything of material value or usefulness that is controlled by the Council."
Asset Management in the Shire of East Pilbara means the utilisation of optimum practices to ensure that the wide variety of assets under its control are provided and

maintained in a secure, safe and operational condition for the purpose those assets have been provided and replaced as required.

Asset Management involves all areas of Council from those that plan services, provide services and manage assets and services to those who use the assets. Council will ensure that integrated decision making will be utilised in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management cycle.

This policy shall be read in conjunction various strategic documents including:

- Financial Strategic Plan
- Corporate Plans
- Asset Management Plan and Strategies
- Information Technology Strategy Plan
- Waste Management Plan

Council is committed to:

- Achieving financial sustainability of its assets over a period of time through the following measures:
 - Ensuring that the asset base is not increased without considering the impact on the ability to fund future maintenance and rehabilitation;
 - Not replacing those assets that are determined to be underutilised, at the end of their useful lives;
 - Accessing grant funding and increasing other funding to ensure assets are maintained at least in their current condition;
- Integrated management linking asset management strategy, policy and procedures to other Council policies, strategies and procedures;
- Utilisation of technological advances relevant to asset management;
- An integrated planning approach which ensures manager roles are understood and documented and that communication procedures are in place which ensure assets are planned and delivered in a sustainable manner;
- Implementation of optimum practices;
- Improving its maintenance and rehabilitation practices;
- Maintaining and rehabilitating its existing assets in a manner which is acceptable in terms of financial burden, safety, quality, impact on the environment, meeting needs and Council's ability to fund those works;
- Maximising resources to achieve the best outcome for the community;
- Regularly consulting and surveying the community to determine whether its needs are being satisfied;
- Preparation of an Asset Management Plan which details how this policy is to be implemented;
- Preparation and review of detailed asset management plans for all major classes of assets and using these plans to assist in determining the priorities for capital and maintenance expenditure;
- Monitoring its performance in accordance with measures developed as part of its Asset Management Plan.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.3 Provide infrastructure to support economic development

Responsible officer: DTDS

Timing: 1-5 years

FINANCIAL IMPLICATIONS

The Asset Management Plan will be an informing document of lifecycle costs that will feed into the Long Term Financial Plan.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorses the Shire of East Pilbara Asset Management Plan – Shire Airports.

9.3.5 MARBLE BAR TOWNSITE - PROPOSED 50KM/H ZONE

File Ref: ORG 5-30
Attachments: [Marble Bar town site - proposed 50kmh.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Rick Miller
Director Technical and Development Services
Location/Address: Marble Bar
Name of Applicant: Shire of East Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse and support the proposal for formal installation of 50km/h speed zone through Marble Bar town site main street.

BACKGROUND

At the Shire of East Pilbara corporate discussion it was actioned that through MRWA and Pilbara Regional Road Group that they be requested to revisit 50 km/h speed zones for the Towns of Newman and Marble Bar.

It is evident that no action was implemented in regards to installing signs in Marble Bar's Main Street.

In September 2013 Police Sergeant Daniel Strachan from his own observations and requests from the community corresponded and requested Main Roads Western Australia (MRWA) to install appropriate 50km/h signage in the Main Street.

MRWA support the proposal which is standard treatment with many small rural towns with main streets. They also advised that as the roads in question are under the care and control of the shire that MRWA would need the shire's endorsement before they could install such signage.

MRWA have corresponded with the shire request this endorsement before proceeding.

COMMENTS/OPTIONS/DISCUSSIONS

As stated this is a standard treatment to not only highlight to travellers and road users to slow down but to define the main town site area that people are entering. From the correspondence seen the proposal has the support from the local police, the community and MRWA and officer will be recommending Council support the proposal.

The streets to be zoned include installing signs on Limestone Marble Bar Road about 200 metres north of Hillside-Marble Bar Road intersection and about 200 metres east

of Francis Street with the third sign being installed on Hillside-Marble Bar Road about 120 metres away from the intersection with Limestone Marble Bar Road.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.2 Build connected and accessible towns
Responsible officer: DTDS
Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council advise Main Roads Western Australia that it supports the formal installation of a 50km/h speed zone through Marble Bar town site.

9.3.6 ASSET MANAGEMENT PLAN – PARKS AND GARDENS

| | |
|---------------------------------------|--|
| Attachments: | Asset Mngement Plan - Parks and Gardens.docx |
| 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: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

To seek Council endorsement of the Asset Management Plan – Parks and Gardens, as a key component of the Shire’s asset management strategy, and fulfils the requirement for the Integrated Planning & Reporting framework.

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 Program is to improve asset management capability within the local government sector. The objective of the asset management initiative is to:

- Raise the skills and understanding of asset management principles and systems across the sector; and
- Have all local governments implement “core level” asset management systems aligned to national frameworks.

The DLG has developed an Integrated Planning and Reporting Framework, which identifies a strong link between asset management and key corporate documents such as the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Reports. The Shire of East Pilbara has developed an asset management framework which incorporates the elements of the DLG’s Integrated Planning and Reporting Framework. The asset management framework encompasses this asset management strategy as well as a number of asset management plans and in accordance with the requirements identified by the DLG, it is aimed at improving and enhancing:

- Sustainable management of local government assets and financial resources through a ‘whole of life’ and ‘whole of organisation’ approach.
- The link between asset management plans, long term financial and strategic planning.
- The Process of continuous improvement in their asset management practice to match:

- the changing service delivery needs of their communities; and the increasing integration of asset management with their strategic directions.

COMMENTS/OPTIONS/DISCUSSIONS

This Asset Management Plan has been developed to:

- Provide an overview of the current infrastructure owned and/or managed by the Shire;
- Identify the service delivery levels required for the assets;
- Identify the current status of the infrastructure portfolio, including asset values and expenditure projections;
- Document the Shire's asset management practices in relation to planning, acquisition, operation, maintenance, renewal and disposal of these assets.
- Identify the tasks and resources required to manage and maintain the Shire's Shire's Parks and Gardens infrastructure to an agreed standard; and
- Provide an outline of the strategies and actions to improve the planning and management of the Shire's Parks and Gardens assets.

The document will be a living document and provides an assessment of where we are now and a guide on what we need to do to maintain the Shire Airports assets to an acceptable level of service and the philosophy of maintaining the asset in a sustainable manner. Costings in the document will give a guide to proposed future expenditure but, with ongoing and future analysis they aren't to be seen as final. Further review and checking of calculations will be completed for future budgets.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

3.2 ASSET MANAGEMENT

Minute No: Item 10.3.6

Date: 29th January 2010

Objective

To set out the Council's commitment to manage and care for its assets in a way that ensures continuity of service delivery.

Policy

"Asset – anything of material value or usefulness that is controlled by the Council."
Asset Management in the Shire of East Pilbara means the utilisation of optimum practices to ensure that the wide variety of assets under its control are provided and maintained in a secure, safe and operational condition for the purpose those assets have been provided and replaced as required.

Asset Management involves all areas of Council from those that plan services, provide services and manage assets and services to those who use the assets. Council will ensure that integrated decision making will be utilised in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management cycle.

This policy shall be read in conjunction various strategic documents including:

- Financial Strategic Plan
- Corporate Plans
- Asset Management Plan and Strategies
- Information Technology Strategy Plan
- Waste Management Plan

Council is committed to:

- Achieving financial sustainability of its assets over a period of time through the following measures:
 - Ensuring that the asset base is not increased without considering the impact on the ability to fund future maintenance and rehabilitation;
 - Not replacing those assets that are determined to be underutilised, at the end of their useful lives;
 - Accessing grant funding and increasing other funding to ensure assets are maintained at least in their current condition;
- Integrated management linking asset management strategy, policy and procedures to other Council policies, strategies and procedures;
- Utilisation of technological advances relevant to asset management;
- An integrated planning approach which ensures manager roles are understood and documented and that communication procedures are in place which ensure assets are planned and delivered in a sustainable manner;
- Implementation of optimum practices;
- Improving its maintenance and rehabilitation practices;
- Maintaining and rehabilitating its existing assets in a manner which is acceptable in terms of financial burden, safety, quality, impact on the environment, meeting needs and Council's ability to fund those works;
- Maximising resources to achieve the best outcome for the community;
- Regularly consulting and surveying the community to determine whether its needs are being satisfied;
- Preparation of an Asset Management Plan which details how this policy is to be implemented;
- Preparation and review of detailed asset management plans for all major classes of assets and using these plans to assist in determining the priorities for capital and maintenance expenditure;
- Monitoring its performance in accordance with measures developed as part of its Asset Management Plan.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.3 Provide infrastructure to support economic development

Responsible officer: DTDS

Timing: 1-5 years

FINANCIAL IMPLICATIONS

The Asset Management Plan will be an informing document of lifecycle costs that will feed into the Long Term Financial Plan.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the Shire of East Pilbara Asset Management Plan – Parks and Gardens.

**9.3.7 TENDER RFT 11-2013/2014 MINDARRA DRIVE - LANDSCAPING AND
RETICULATION**

File Ref: FIN-4-3
Attachments: [Confidential Under Separate Cover](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider tenders for the development of Mindarra Drive works including landscaping and reticulation subject to the confirmation of funding from BHPIOs.

BACKGROUND

On the 7th December 2012 Council endorsed a submission to BHP Billiton for the funding of the Revitalisation of the Town Centre. These funds were allocated to Landscaping and Reticulation Works at Mindarra Drive. The project was tendered on the 7th October 2013 under delegated authority to the Chief Executive Officer. The tender closed on the 8th November 2013.

Three tender submissions were received from the following organisations:

- BCL Group
- Environmental Industries
- Landscaping WA

COMMENTS/OPTIONS/DISCUSSIONS

Funding for this project has been allocated through the BHP Billiton Community Development Project. With the tender pricing received being higher than the initial estimates it will be necessary to complete the final BHP Billiton approvals process before funds are released. This will mean that the winning tender will only be awarded subject to the BHP Billiton approval process being complete and successful. Currently the BHP Billiton Projects Team are due to meet on the 9th December 2013.

The evaluation panel consisted of three Shire of East Pilbara officers – each panel member individually read and assessed each tender. The panel convened, discussed the tenderers and aggregated the scores for each of the tenderer's.

The tender documentation outlined the selection criteria with the following weightings:

- Price 50%
- Relevant Experience 20%
- Key Personnel and Experience 10%
- Tenderer's Resources 10%
- Demonstrated Understanding 10%

The scores for each tenderer and category shown below:

| Tenderer | Price | Relevant Experience | Key Personnel | Tenderers Resources | Demonstrated Understanding | Final Score |
|---------------------------------|--------------|----------------------------|----------------------|----------------------------|-----------------------------------|--------------------|
| BCL Group | 40 | 14 | 6 | 8 | 8 | 76 |
| Environmental Industries | 50 | 17 | 7 | 7 | 8 | 89 |
| Landscaping WA | 42 | 18 | 8 | 8 | 8 | 84 |

The shire evaluation process recommended the tender be awarded to Environmental Industries based on the quality of their proposal, compliance with all criteria and value for money and being the most advantageous to Council.

The evaluation sheet has been provided confidentially under separate cover.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

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

1.3 Engaged community

1.3.1 Increase community awareness
Responsible officer: MCW
Timing: 1 year

1.3.3 Implement civic engagement projects
Responsible officer: MCW
Timing: 1-3 years

Goal 2 – Social – Planned Actions

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

2.1 Health and Recreation

2.1.1 Encourage active lifestyles

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council award tender RFT 11-2013/2014 to Environmental Industries for the price of \$554,568.14 ex GST, subject to the finalisation and release of funding from BHP Billiton under the Community Development Project.

**9.3.8 RFT 13-2013/14 – FLOOR COVERINGS NEWMAN AIRPORT RPT
TERMINAL**

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

REPORT PURPOSE

To seek Council approval for acceptance of tenders for the Supply and Delivery of vinyl floor coverings throughout the Newman Airport RPT Terminal, including all amenities and the kiosk.

BACKGROUND

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

The tender for the replacement of the existing carpets throughout the RPT Terminal with a more durable commercial vinyl product is a continuation of the new flooring installed during the extension to the Departures and Check-in Lounges.

The Tender closed on 18 November 2013, 4.00pm

Although 5 applications for tender documents were received, only one contractor submitted tenders:

Trevor's Carpets

COMMENTS/OPTIONS/DISCUSSIONS

Those new sections of flooring in the Departure and Check-in Lounges have been evaluated in terms of durability, ease of cleaning and aesthetic appeal, and continuation of this floor covering for the rest of the public areas is required to complete the project.

An inspection report received from the SoEP Manager Development Services – Health has revealed non-compliance with health regulation of the flooring currently installed in all amenities and the kiosk. In terms of economy of scale and uniformity, it is therefore advisable to include those areas in this tender

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

- Compliance criteria (Yes/No)
- Relevant experience 15%
- Key personal skills & experience 10%
- Product 15%
- Demonstrated Understanding 10%
- Tendered price 50%

Although only one tender was ultimately received, this tender was still evaluated in terms of all the selection criteria. A full assessment of the tender submission is attached under a separate confidential cover.

The following assessment process was adopted:

- Independent weighted qualitative assessments of the tender was conducted by two shire officers and combined into a final assessment.
- Being a sole tender, this tender received a rating of 1 in all categories.

Trevor's Carpets was the flooring subcontractor during the construction phases of the extension to the Departures and Check-in Lounges. That company and its staff therefore have a very good working knowledge and experience of the operations of the airport, and will be able to complete the work during non-operational period with minimum disruption to operations. Their product and workmanship will also exactly match the sections of new flooring already installed and their quoted price of \$158,675 including GST is considered to be good value for money.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

TENDER PROCEDURES

The Shire of East Pilbara "Tender Procedures" policy Tender Procedures

Minute No: Item 9.

Date: 27th June 2003

5th May 2006

Objective

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

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

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

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such form is optional in the case of procurements worth less than \$50,000.00 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on the Council correspondence, files, Council Minutes, Minutes, etc.
5. Tender notices shall insist that all tenders be either clearly marked, and in a sealed envelope, facsimiled with a correctly title cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery. The facsimile telephone number shall be that located nearest the Chief Executive Officer's office (08 9175 1522), and emails shall be sent to the address tenders@eastpilbara.wa.gov.au.
7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

In terms of the Regional Price Preference Policy no contractor qualified for this price reduction:

Construction (building) Services – 5%, or to a maximum price reduction of \$50,000.

Minute No: Item 9.4.2

Date: 5th May 2006

STRATEGIC COMMUNITY PLAN

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

1.2.2 Develop and apply asset management principles to support the maintenance and management of Councils assets.

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council award Tender 13-2013/14 to Trevor's Carpets for the supply and installation of commercial quality flooring throughout the remaining public areas of the Newman Airport RPT Terminal at a tendered price of \$158,675.00 including GST.

**9.3.9 ACKNOWLEDGEMENT OF ADMINISTRATIVE ERROR - ITEM 9.3.5 OF 28
JUNE 2013**

File Ref: PLN-2-2-19
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to acknowledge an administrative error in the resolution of item 9.3.5 of the 28 June 2013 Council meeting.

BACKGROUND

Council at its meeting held on 28 June 2013 considered item 9.3.5 in relation to Town Planning Scheme Amendment 19 and Road Closure whereby Council resolved as follows:

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.*

Accordingly, it is now noted that an administrative error occurred in part 4 of the above resolution where the referenced section of the Land Administration Act 1997 should have read "Section 58" as opposed to Section 52 as presented.

COMMENTS/OPTIONS/DISCUSSIONS

Although part 4 of the subject resolution contained an error, it is noted that throughout the preceding parts of the report the correct reference to "Section 58" was utilised and therefore demonstrates the clear intent of the subject item. On this basis, advice was sought by the Shire's Deputy Chief Executive Officer from the Western

Australian Local Government Association's (WALGA) governance section on how best to correct the error. The advice was as follows:

- The incorrect reference to the Land Administration Act 1997 does not invalidate the Council resolution or any subsequent action to close the subject roads;
- A rescission of the motion is not appropriate under the Local Government (Administration) Regulations 1996;
- Best way forward is to advise Council of the administrative error by way of an information item for acknowledgement.

STATUTORY IMPLICATIONS/REQUIREMENTS

Under the Local Government (Administration) Regulations 1996 Regulation 10 refers to revoking or changing decisions. However, Regulation 10(3) states that Regulation 10 does not apply *unless the effect of the change would be that the decision would be revoked or would become substantially different.*

Given that the error is only a legislative reference and the intent of the decision has remained unchanged, then Council need only acknowledge the error. This is consistent with the advice received from WALGA as identified above.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Not applicable.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council acknowledge the administrative error in part 4 of resolution number 201314/29, as recorded in Item 9.3.5 of the Council meeting held on 28 June 2013, and that the extent of the error was the legislative reference to "Section 52 of the Land Administration Act 1997" which should have instead been "Section 58 of the Land Administration Act 1997".

- 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**
31st January 2014, Newman
- 15 CLOSURE**