



## **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, 9 DECEMBER, 2016.

**Allen Cooper**  
**CHIEF EXECUTIVE OFFICER**



## **DISCLAIMER**

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

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

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

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

## **WRITTEN CONFIRMATION**

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

Signed: \_\_\_\_\_  
Allen Cooper  
Chief Executive Officer

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## TABLE OF CONTENTS

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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 .....	5
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	5
4	PUBLIC QUESTION TIME .....	5
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	5
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	5
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	5
7.1	CONFIRMATION OF MINUTES - 28 OCTOBER 2016.....	5
7.2	PILBARA REGIONAL COUNCIL - 21 OCTOBER 2016 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 2016.....	6
9.1.2	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW .....	9
9.1.3	REGIONAL AGEING STRATEGY - PILBARA REGIONAL COUNCIL .....	12
9.1.4	REQUEST FOR A FINANCIAL CONTRIBUTION TO SUPPORT A BOOTH AT THE RAC CARAVAN & CAMPING	

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	SHOW 2017 IN CLAREMONT BY THE PILBARA REGIONAL COUNCIL .....	14
<b>9.2</b>	<b>DEPUTY CHIEF EXECUTIVE OFFICER .....</b>	<b>17</b>
9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - OCTOBER 2016.....	17
9.2.2	2015/2016 ANNUAL REPORT ACCEPTANCE.....	21
9.2.3	AUDIT COMMITTEE REPORT - 24 NOVEMBER 2016.....	23
9.2.4	AMENDED DELEGATION 4.6 EXECUTION OF DOCUMENTS AND POLICY 4.5 EXECUTION OF DOCUMENTS .....	26
9.2.5	BUDGET AND DIFFERENTIAL RATING TIMETABLE 2017/2018.....	28
9.2.6	AMENDMENT TO REGIONAL PRICE PREFERENCE POLICY .....	31
9.2.7	AWARD OF TENDER RFT 05-2016/17 PROVISION OF FIRE EQUIPMENT INSPECTION, SERVICING AND TESTING.....	37
9.2.8	MONTHLY FINANCIAL REPORT - OCTOBER 2016.....	41
9.2.9	CREDITORS FOR PAYMENT.....	44
<b>9.3</b>	<b>DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES ...</b>	<b>47</b>
9.3.1	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - OCTOBER 2016.....	47
9.3.2	AWARD OF TENDER - RFT 06-201617-NEW ARCHIVE BUILDING ANIMAL MANAGEMENT FACILITY BUILDINGS.....	51
9.3.3	NEW DELEGATION FROM COUNCIL TO CHIEF EXECUTIVE OFFICER: PUBLIC HEALTH ACT 2016 .....	61
9.3.4	MEMORANDUM OF UNDERSTANDING - MARBLE BAR VOLUNTEERS EMERGENCY SERVICES ARRANGEMENT 2016 .....	65
9.3.5	NEWMAN AIRPORT LONG-TERM CAR PARK FEES ADJUSTMENT .....	68
9.3.6	AFFIXING THE COMMON SEAL TO THE LEASE OF THE BUREAU OF METEOROLOGY SITE AT NEWMAN AIRPORT .	73
9.3.7	MANAGEMENT OPTIONS FOR CARAWINE GORGE.....	77

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**10      MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 82**

**11      NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A  
DECISION OF COUNCIL ..... 82**

**12      CONFIDENTIAL MATTERS BEHIND CLOSED DOORS ..... 82**

**13      GENERAL BUSINESS ..... 82**

**14      DATE OF NEXT MEETING ..... 82**

**15      CLOSURE ..... 82**

**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**

**2.1 ATTENDANCES**

Councillors

Cr Lynne Craigie	Shire President
Cr Lang Coppin	Deputy Shire President
Cr Anita Grace	Councillor
Cr John Jakobson	Councillor
Cr Bidy Schill	Councillor
Cr Craig Hoyer	Councillor
Cr Shane Carter	Councillor
Cr Jeton Ahmedi	Councillor
Cr Dean Hatwell	Councillor
Cr Michael Kitchen	Councillor

Officers

Mr Allen Cooper	Chief Executive Officer
Ms Sian Appleton	Deputy 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 Gerry Parsons	Councillor
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Officer Apologies

Nil

**2.3 LEAVE OF ABSENCE**

**3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

**4 PUBLIC QUESTION TIME**

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

**7.1 CONFIRMATION OF MINUTES - 28 OCTOBER 2016**

[Minutes October 28 2016 Council.DOCX](#)

**OFFICER'S RECOMMENDATION**

THAT the minutes of the Ordinary Meeting of Council held on 28 October 2016, be confirmed as a true and correct record of proceedings.

**7.2 PILBARA REGIONAL COUNCIL - 21 OCTOBER 2016 MINUTES**

[Minutes October 28 2016 Council.DOCX](#)

**OFFICER'S RECOMMENDATION**

THAT the minutes of the Ordinary Meeting of Pilbara Regional Council held on 21 October 2016, be received.

**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 2016

**File Ref:** CLR-4-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Proposed Meeting Date:** 9 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### 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

The status list of Council decisions is included as an attachment to the agenda.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995  
Part 2 Constitution of local government  
Division 2 Local governments and councils of local governments  
Section 2.7

- (1) The council –
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

#### POLICY IMPLICATIONS

Nil

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**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

**RISK MANAGEMENT CONSIDERATIONS**

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the Chief Executive Officer “Status of Council Decisions” Report for the month of October 2016 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>RESPONSIBLE OFFICER</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
28 <sup>th</sup> October 2016	13.1	<p><b>BLOODYSLOW CUP EVENT - SECURITY</b>                      Cr Craig Hoyer asked the question at the Bloodyslow Cup Event they have no security but if a sporting club would like to run an event then it requires many security personnel which costs too much and yet the police can just have a couple of police officers?                      Cr Lynne Craigie said she will be having a meeting with the OIC and will ask the question.                      Mr Allen Cooper, Chief Executive Officer to arrange</p>	CEO	OIC of Newman Police Station away	
28 <sup>th</sup> October 2016	13.4	<p><b>QANTAS &amp; VIRGIN CHEAPER FLIGHTS FOR RESIDENTS</b>                      Cr Shane Carter asked if a letter can be sent to Qantas and Virgin asking if they can come up with discounted flights for residents in the Pilbara, as the cost of flights is so expensive especially on certain time slots of the week.                      Mr Allen Cooper, CEO said they have written letters, and have had only one reply from Qantas which was in the Information Bulletin. Council will continue with the push to encourage the airlines for discounted flights for the residents.                      Cr Lynne Craigie also replied the PRC are speaking with the airlines regarding discounted flights for the residents in the Pilbara</p>	CEO	PRC Advocacy Papers	Completed

### 9.1.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

**File Ref:** ADM-1-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Allen Cooper  
Chief Executive Officer  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To appoint a panel of Councillors to undertake the Annual Performance Review of the Chief Executive Officer and to prepare a report on the review to Council.

### BACKGROUND

It is a compliance requirement of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, that a review of the CEO's performance be undertaken each year.

### COMMENTS/OPTIONS/DISCUSSIONS

The performance review may be conducted "in house" by Councillors or an independent external person may be contracted to perform that review by Council. In either case, the outcome of the review must be considered by the full Council. The review has been performed "in house" over recent years and it is recommended that this again be the case.

The process to be followed and the criteria to be assessed are contained in the employment contract of the officer undergoing review.

### STATUTORY IMPLICATIONS/REQUIREMENTS

#### **Local Government Act 1995**

#### ***Part 5 – Administration***

#### ***Division 4 – Local government employees***

#### **5.38 Annual review of certain employee's performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

**5.39 Contracts for CEO's and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) –*
  - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
  - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section –*
  - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
  - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless –*
  - (a) *the expiry date is specified in the contract;*
  - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
  - (c) *Any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection (2)(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*

**Local Government (Administration) Regulations 1996**

**18D Local government to consider performance review on CEO**

*A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

**POLICY IMPLICATIONS**

Nil

## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

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

#### 1.1 Efficient and effective local government

##### 1.1.1 *Ethical, accountable and transparent decision-making*

## RISK MANAGEMENT CONSIDERATIONS

There is a statutory and contractual obligation to undertake the review at least once in every year.

## FINANCIAL IMPLICATIONS

NA to undertake an in house review.

## VOTING REQUIREMENTS

Simple.

## OFFICER'S RECOMMENDATION

**THAT Council:**

1. Establish a review panel comprising the Shire President, Cr Lynne Craigie, and the Deputy Shire President, Cr Lang Coppin, to undertake the Annual Performance Review of the Chief Executive Officer.
2. The panel is to prepare a report to Council for the Council’s consideration in accordance with the *Local Government Act 1995*.

### 9.1.3 REGIONAL AGEING STRATEGY - PILBARA REGIONAL COUNCIL

<b>Attachments:</b>	<a href="#">OCM21102016 item 5.8</a>
<b>File Ref:</b>	ORG-4-6 (PRC)
<b>Responsible Officer:</b>	Mr Allen Cooper Chief Executive Officer
<b>Author:</b>	Mr Allen Cooper Chief Executive Officer
<b>Proposed Meeting Date:</b>	09 December 2016
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Author Disclosure of Interest:</b>	Nil

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#### REPORT PURPOSE

To consider a financial contribution of \$5,000 to a Regional Aging Strategy Project as proposed by the Pilbara Regional Council to be known as the Age Friendly Pilbara 2021 Regional Strategy.

#### BACKGROUND

This is a project proposed by the Pilbara Regional Council, funded in part by the Department of Local Government and Communities (DLGC).

Details of the Pilbara Regional Councils previous deliberations are attached, with the resolution of the 21<sup>st</sup> October 2016 being;

*“That (the PRC Council) endorse the continuation of the Regional Ageing Strategy Project, noting the activities are subject to financial contribution from other LGAs”.*

For the funding to be received from DLGC it requires matching funding from within the consortium that being the PRC and the four member Councils of \$5,000 each.

A number of agencies work in and have undertaken strategic work in the “Ageing” space.

The basis of this strategy will be to have more of a Pilbara focus.

“The desired end state of an ageing friendly framework is to create a community that:

- Recognises the great diversity among older persons.
- Promotes their inclusion and contribution in all areas of community life.
- Respect their decisions and lifestyle choices.
- Anticipates and responds flexibly to ageing related needs and preferences.

**COMMENTS/OPTIONS/DISCUSSIONS**

Council owns and operates the Piri Smith Retirement Village in Marble Bar and has recognised that the communities of Marble Bar and Nullagine are aging.

Approximately persons over the age of 50 at Marble Bar are 24% and at Nullagine 40 to 50%.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Council has no specific strategies aimed at the ageing.

**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  
Partnering With: Federal Government, State Government, Industry and NGO's

**RISK MANAGEMENT CONSIDERATIONS**

There is no risk associated with not contributing to this project.

**FINANCIAL IMPLICATIONS**

Funds can be sourced account GL#41147 Budget \$200,000 Special Projects which has a balance of \$135,000 as at the 21<sup>st</sup> November 2016.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council commit \$5,000 from account 41147 Special Projects as a contribution to the Regional Ageing Strategy to be undertaken by the Pilbara Regional Council.**

**9.1.4 REQUEST FOR A FINANCIAL CONTRIBUTION TO SUPPORT A BOOTH  
AT THE RAC CARAVAN & CAMPING SHOW 2017 IN CLAREMONT BY  
THE PILBARA REGIONAL COUNCIL**

**File Ref:** PRC  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Allen Cooper  
Chief Executive Officer  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider a request from the Pilbara Regional Council (PRC) for a financial contribution of \$2,500 (ex. GST) for the purposes of hiring a booth and other relevant equipment at the RAC Caravan & Camping Show in March 2017 at the Claremont Showgrounds.

**BACKGROUND**

The RAC Perth Caravan & Camping Show is Perth's largest lifestyle consumer exhibition and will be held between the 22<sup>nd</sup> and 26<sup>th</sup> march 2017 at the Claremont Showgrounds. The Show promotes the great Australian outdoor dream and all that the caravan and camping lifestyle in Western Australia has to offer.

The Show has a strong history of high attendance and a reputation for generating consumer spending. The show is a much-anticipated annual event for both exhibitors and visitors alike.

In 2016 the event attracted over 44,000 visitors across five days. Approaching its 20th year, the well-established event is the second largest show in Western Australia, following only The Perth Royal Show.

**COMMENTS/OPTIONS/DISCUSSIONS**

During PRC's previous Ordinary Council meeting held on the 21 October 2016 in Port Hedland, the Council resolved to endorse the attendance of the PRC at the RAC Perth Caravan & Camping Show 2017, noting that attendance is subject to individual members financial commitment towards the attendance costs.

It was suggested that PRC CEO to liaise its member CEOs to facilitate the coordination of cost-sharing arrangements and marketing collateral required from the members for the event.



Traditionally it has been the Visitors Centres role to organise attendance at these events. At this stage, as far as staff are aware, both the Newman Visitors Centre and the Marble Bar Tourist Association have not mad commitments to attend this event.

The PRC is requesting a financial contribution of **\$2,500 (ex. GST)** towards a shared 9m x 3m booth in the Jim Webster Pavilion at the RAC Caravan & Camping Show 2017.

The contribution will support:

- the hiring of the booth;
- booth furniture,
- postage fees to transport all marketing materials from the region to Perth and back to the region when the show is finished;
- transportation and installation of the mini Welcome Rest Stop; and
- staff meal allowance.

The PRC will arrange all event related logistics and will staff the booth (with member Local Government staff should members wish to allocate staff for this purpose). The PRC will also prepare visitation reports and other material relevant to Council for the purpose of making a post-event value-for-money assessment.

Itemised costs:

<b>Item</b>	<b>QTY</b>	<b>Amount Ex. GST</b>
Stall hire (9 x 3)	1	\$8,101.50
Shipping per LGA (\$180 /return)	4	\$720.00
Shipping & installation of the mini Welcome RS	1	\$600.00
Furniture hire	1	\$700.00
Staff lunch	2	\$300.00
<b>Total cost</b>		<b>\$10,421.50</b>

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

## STRATEGIC COMMUNITY PLAN

### Goal 3 – Economic – Planned Actions

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

#### 3.1 Business diversification and promotion

##### 3.1.3 Encourage tourism

Partnering With: State Government, Industry, NCCI, other relevant stake holders

Responsible officer: DCEO

Timing: 1-5 years

## RISK MANAGEMENT CONSIDERATIONS

Responsibility for commercial risk is the responsibility of the appointed event management company and the Caravan Industry Association Western Australia, noting this Association has a proven track record for delivering similar successful events in the past.

## FINANCIAL IMPLICATIONS

Council currently funds both the Newman Visitors Centre (\$90,000) and the Marble Bar Tourist Association (\$19,000).

Council also pays an annual subscription to the Pilbara Regional Council of \$240,000 account No. 41046.

If Council decides in favour to contribute, the funds could come from the Regional Tourism Contribution Account, No. 131012, which has a balance of \$25,000.

## VOTING REQUIREMENTS

Absolute.

## OFFICER'S RECOMMENDATION

**THAT Council agree to contribute \$2,500 (ex. GST) to the Pilbara Regional Council for the purposes of hiring a booth and other relevant equipment to attend the RAC Caravan & Camping Show in March 2017 at the Claremont Showgrounds.**

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS  
- OCTOBER 2016**

**File Ref:** CLR-4-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Proposed Meeting Date:** 9 December 2016  
**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**

The status list of Council decisions is included as an attachment to the agenda.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government Act 1995  
Part 2 Constitution of local government  
Division 2 Local governments and councils of local governments  
Section 2.7

- (1) The council –
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

**POLICY IMPLICATIONS**

Nil

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**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

**RISK MANAGEMENT CONSIDERATIONS**

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of October 2016 be received.**

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

**9 DECEMBER, 2016**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
11 December 2015	12.12	MARBLE BAR AQUATIC CENTRE CCTV Cr Michael Kitchin asked if the Marble Bar Aquatic Centre could get CCTV especially for the toddler's pool, so when the staff member is serving at the kiosk they can still easily monitor the area. Deputy Chief Executive Officer to follow up	DCEO	Job Awarded & near completion	Completed
28 <sup>th</sup> October 2016	9.2.4	SUNDRY DEBTORS WRITE OFF	RFO		Completed
28 <sup>th</sup> October 2016	9.2.5	NEW DELEGATIONS: 4.56 GRAFFITI VANDALISM ACT 2016	CG		Completed
28 <sup>th</sup> October 2016	9.2.6	CAPRICORN OVAL JUNIOR STORAGE FACILITIES - LICENCE AGREEMENT OPTION TERMS	CPS		Completed
28 <sup>th</sup> October 2016	9.2.7	AFFIXING OF THE COMMON SEAL TO THE MEMORANDUM OF UNDERSTANDING - NEWMAN COMMUNITY RADIO INC & SHIRE OF EAST PILBARA	CPS		Completed
28 <sup>th</sup> October 2016	9.2.8	AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY - CLEANING CONTRACT EXTENSION	CPS		Completed
28 October 2016	9.2.9	AMENDMENT TO THE 2016/2017 FEES AND CHARGES NEWMAN RECREATION CENTRE OPTIONS FOR CUSTOMERS	MRE		Completed
28 <sup>th</sup> October 2016	11.2.1	RFT 10-2015/16 - PROVISION OF ARCHITECTURAL & SPECIALIST CONSULTANCY SERVICES FOR NEWMAN FAMILY & YOUTH SERVICES HUB	MAP		Completed
28 <sup>th</sup> October 2016	13.2	CAPRICORN OVAL Cr Gerry Parsons said the lights on the Capricorn oval are still not working properly. Ms Sian Appleton, Deputy CEO replied they are working but they are waiting on a new transformer so at the moment the lights need	DCEO	All repaired and Working	Completed

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		to be put on manually. Sian explained how to work the lights.			

## 9.2.2 2015/2016 ANNUAL REPORT ACCEPTANCE

<b>Attachments:</b>	<a href="#">2015-2016 Annual Report</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Andries Gertenbach</b> <b>Manager Corporate Services</b>
<b>Proposed Meeting Date:</b>	<b>09 December 2016</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To present the 2015/16 Annual Report to Council

### BACKGROUND

The 2015/16 Annual Report is attached under separate cover.

### COMMENTS/OPTIONS/DISCUSSIONS

Under the Local Government Act it is necessary to produce an Annual Report and to conduct an Annual Electors Meeting. The Annual Electors Meeting will be advertised in accordance with Local Government Act 1995.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 2 - Council meetings, committees and their meetings and electors' meetings) (Subdivision 4 - Electors' meetings) 5.27. Electors' general meetings (pg 145)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.53. Annual reports (pg 159)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.54. Acceptance of annual reports (pg 160)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.55. Notice of annual reports (pg 160)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.56. Planning for the future (pg 160)

### 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

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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

### **RISK MANAGEMENT CONSIDERATIONS**

There is no risk management considerations for this report.

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Simple.

### **OFFICER'S RECOMMENDATION**

**THAT Council accept the 2015/16 Annual Report as presented.**



### 9.2.3 AUDIT COMMITTEE REPORT - 24 NOVEMBER 2016

<b>Attachments:</b>	<a href="#">2016 Management Report East Pilbara.pdf</a> <a href="#">Annual Financial Statements 2015 16.pdf</a> <a href="#">Risk Management Report</a> <a href="#">Audit Committee Minutes 24 November 2016</a>
<b>File Ref:</b>	FIN-23-1
<b>Responsible Officer:</b>	Ms Sian Appleton Deputy Chief Executive Officer
<b>Author:</b>	Mr Andries Gertenbach Manager Corporate Services
<b>Proposed Meeting Date:</b>	09 December 2016
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Author Disclosure of Interest:</b>	Nil

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#### REPORT PURPOSE

For Council to consider the recommendations of the Audit Committee.

#### BACKGROUND

The Audit Committee met on 24<sup>th</sup> November 2016 and the minutes of that meeting are attached.

#### COMMENTS/OPTIONS/DISCUSSIONS

Role of the Audit Committee:

As a requirement of the Local Government Act 1995, the Audit Committee was formed “to provide independent oversight of the financial systems of the local government on behalf of the Council. As such, the committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government’s financial reporting and audit responsibilities.”

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Audit Committee minutes.

#### POLICY IMPLICATIONS

Refer to attached Audit Committee minutes.

#### 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.

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- 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

**RISK MANAGEMENT CONSIDERATIONS**

Refer to attached Audit Committee minutes.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council consider the following recommendations as presented by the Audit Committee.**

**AUDIT COMMITTEE RECOMMENDATION 1**

**THAT Council review the Audit Management Report as presented and receive the Management Report for the Year Ended 30 June 2016.**

**AUDIT COMMITTEE RECOMMENDATION 2**

**THAT Council accept the Audited Annual Financial Statements for the year ending 30 June 2016 as presented.**

**AUDIT COMMITTEE RECOMMENDATION 3**

THAT Council adopt the dates for the 2017 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
23 <sup>rd</sup> February 2017	4 <sup>th</sup> Thursday	8:00am	Newman
8 <sup>th</sup> June 2017	2 <sup>nd</sup> Thursday	8:00am	Newman
7 <sup>th</sup> September 2017	1 <sup>st</sup> Thursday	8:00am	Newman
23 <sup>rd</sup> November 2017	4 <sup>th</sup> Thursday	8:00am	Newman

**AUDIT COMMITTEE RECOMMENDATION 4**

THAT Council review the actions taken and receive the Risk Improvement Plan Report as presented.

**9.2.4 AMENDED DELEGATION 4.6 EXECUTION OF DOCUMENTS AND POLICY  
4.5 EXECUTION OF DOCUMENTS**

**File Ref:** ADM-14-9 AND CLR 1-1

**Attachments:** [Amended Delegation 4.6 Execution track 24112016.pdf](#)  
[Amended Policy 4.6 Execution of Documents 24112016.pdf](#)  
[Amended Policy 4.5 Execution of Documents track changes 24112016.pdf](#)  
[Amended Policy 4.5 Execution of Documents changes 24112016.pdf](#)

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Mrs Batsi Masaka  
Coordinator Governance

**Proposed Meeting Date:** 09 December 2016

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to approve the amendments to delegation: 4.6 Execution of Documents and Policy 4.5.Execution of documents.

**BACKGROUND**

1. Regarding the Execution of Documents, the Local Government Act 1995 section 9.49A (4) stipulates that a local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
2. Based on the above legislation, Council approval is being sought to add the Deputy Chief Executive Officer to the existing delegation and policy as an authorised person to sign documents on behalf of the local government.

## COMMENTS/OPTIONS/DISCUSSIONS

1. According to the Local Government Act 1995 s9.49A (4) A local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
2. Council is being requested to approve the amendments to the existing delegation and related policy.

## STATUTORY IMPLICATIONS/REQUIREMENTS

Part 9 Miscellaneous Provisions Division 3 –Documents

## POLICY IMPLICATIONS

### 4.5 EXECUTION OF DOCUMENTS

## 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

## RISK MANAGEMENT CONSIDERATIONS

To effectively manage the risk of legislative non-compliance, Council maintains best practice by authorising stipulated legislative requirements. This ensures lawful proper and consistent decision making processes.

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

## OFFICER'S RECOMMENDATION

**THAT Council grants approval for the Deputy Chief Executive Officer to be added onto the existing delegation and policy as an authorised person to sign documents on behalf of the local government.**

### 9.2.5 BUDGET AND DIFFERENTIAL RATING TIMETABLE 2017/2018

**File Ref:** FIN-23-10  
**Responsible Officer:** Ms Sian Appleton  
 Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
 Deputy Chief Executive Officer  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

#### REPORT PURPOSE

For Council to review and accept the budget and differential rating timetable for the 2017/2018 financial year.

#### BACKGROUND

A strict legislative timetable exists when completing Council's budget. This is amplified by the fact we use a differential rating strategy. With adherence to this timetable the budget process will be completed in a timely manner and comply with legislation.

#### COMMENTS/OPTIONS/DISCUSSIONS

The table below sets out dates for the budget timetable including the consideration and acceptance of differential rating.

<b>MARCH</b>	Officers to complete Fees & Charges	SFO/CFS	
	Rates Modelling/ Differential	RRFO/MCS	
	Send Operating Budget to Managers for Review	MCS	
	Enter Capital into Budget Doc from 10 Year plan / LTFP	MCS	
	Differential rates to Council for approval to advertise	MCS/DCEO	
<b>APRIL</b>	Draft Fees & Charges to Council	SFO/MCS	
	Send Capital Budget to Managers for Review	MCS/DCEO	
<i>NOTE: Check reference - s6.32, s6.33, s6.34, s6.35 for differential rates.</i>			
<b>MAY</b>	Advertise Differential Rates for 21 days (from 1 May)	RRFO/MCS	
	Council Allowances to be set	MCS	
	Council Agenda item re Differential Rate Submission consideration	MCS	
	Send Differential Rate application to Department (after Council meeting)	MCS	
	Finalise budget document prior to Department's comments	MCS/DCEO	
<i>NOTE: Ref s6.36 – Did the local government before imposing a differential general rate, or minimum payment to a differential rate category, give public notice of its intention to do so containing details of each rate or minimum imposed.</i>			

<i>NOTE: Ref s6.36 – Did the local government, before imposing any differential rate or minimum payment to a differential rate category, give public notice of</i>			
<i>its intention to do so by extending an invitation for a period of 21 days or longer for submissions.</i>			
<b>JUNE</b>	Finalise budget document - Any changes made necessary by differential application	MCS/DCEO	
<b>JULY</b>	Final Draft Budget to Council for Endorsement	DCEO/MCS	

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 6 - Financial management (Division 2 - Annual budget) 6.2. Local government to prepare annual budget (pg 211)

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 2 - Categories of rates and service) 6.33. Differential general rates (pg 235)

## **POLICY IMPLICATIONS**

### 3.3 BUDGET PREPARATION

## **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

## **RISK MANAGEMENT CONSIDERATIONS**

When setting the Annual Budget the Shire is exposed to financial risk over the long term if insufficient regard is given to both revenue and expenditure implications beyond the budget period. Consideration must be given to a relevant rating strategy including the use of differential rating during this time. Timing is very important to ensure the budget is accepted within legislative restraints and that all other legislative requirements are met to avoid the risk of any legislative breaches.

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council review and accept the budget and differential rating timetable as set out below for the 2017/2018 financial year:**

<b>MARCH</b>	Officers to complete Fees & Charges	SFO/CFS	
	Rates Modelling/ Differential	RRFO/MCS	
	Send Operating Budget to Managers for Review	MCS	
	Enter Capital into Budget Doc from 10 Year plan / LTFP	MCS	
	Differential rates to Council for approval to advertise	MCS/DCEO	
<b>APRIL</b>	Draft Fees & Charges to Council	SFO/MCS	
	Send Capital Budget to Managers for Review	MCS/DCEO	
<i>NOTE: Check reference - s6.32, s6.33, s6.34, s6.35 for differential rates.</i>			
<b>MAY</b>	Advertise Differential Rates for 21 days (from 1 May)	RRFO/MCS	
	Council Allowances to be set	MCS	
	Council Agenda item re Differential Rate Submission consideration	MCS	
	Send Differential Rate application to Department (after Council meeting)	MCS	
	Finalise budget document prior to Department's comments	MCS/DCEO	
<i>NOTE: Ref s6.36 – Did the local government before imposing a differential general rate, or minimum payment to a differential rate category, give public notice of its intention to do so containing details of each rate or minimum imposed.</i>			
<i>NOTE: Ref s6.36 – Did the local government, before imposing any differential rate or minimum payment to a differential rate category, give public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.</i>			
<b>JUNE</b>	Finalise budget document - Any changes made necessary by differential application	MCS/DCEO	
<b>JULY</b>	Final Draft Budget to Council for Endorsement	DCEO/MCS	



### 9.2.6 AMENDMENT TO REGIONAL PRICE PREFERENCE POLICY

Attachments:	<a href="#">Draft Amended Regional Price Preference Policy</a>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Dawn Brown Contract and Procurement Officer
Proposed Meeting Date:	09 December 2016
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

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### REPORT PURPOSE

For Council to consider an amendment to the Regional Price Preference Policy to be included within the SoEP Policy Manual (*Policy item 3.13*).

### BACKGROUND

Council adopted the 2016/17 Policy Manual (*in its entirety*) at the Ordinary Council meeting held on the 24<sup>th</sup> June, 2016 (**Resolution: 201515/241**).

Council adopted the Regional Price Preference Policy on the 5<sup>th</sup> May, 2006 (**Item 9.4.2**)

On the 8<sup>th</sup> February, 2013 the Regional Price Preference Policy was amended to include examples of how the Policy would operate. (**Resolution: 201213/269**)

On the 26<sup>th</sup> August, 2016 the Regional Price Preference Policy was amended to reflect the name changes from Shire of Roebourne to the City of Karratha and Shire of Ashburton. (**Resolution: 201617/26**)

### COMMENTS/OPTIONS/DISCUSSIONS

The Policy has been amended to enable the Regional Price Preference to be applied to both submissions for Tenders and Formal Request for Quotations from regionally based businesses and also to include a description of how to define a regional based business for the purpose of this Policy.

The amendments throughout this Policy document are:

- Change references throughout this Policy from Tender to Tender or Formal Request for Quotation (RFQ)
- Include the following description to define what a regional based business is for the purpose of this Policy – *a regionally based business is to have office and/or workshop premises (LIA or Shop Front) and/or staff housed (residentially not in a Camp) located within the district of the Shire of East Pilbara.*

Whilst there is not a statutory requirement for local governments to apply a regional price preference for Formal Request for Quotations, it is discretionary as to whether this is to be introduced as policy. As the Shire's formal Request for Quotations are dealt with in a similar manner as to the Request for Tenders, i.e utilising the electronic tendering portal (Tenderlink), having a detailed Scope of Works/Specification and evaluating against qualitative criteria, it is felt that the regionally based businesses who submit a compliant submission for a Formal RFQ should be afforded a regional price preference.

Before Council can adopt this amended Policy, Council must give Statewide public notice of its intention to amend this Policy, and at the same time seek submissions from the public for a minimum of 4 weeks as *per Local Government (Functions and General) Regulations 1996 Part 4A, 24F*.

**24F. Adoption and notice of regional price preference policy**

- (1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.
- (2) An adopted policy must state —
  - (a) the region or regions within which each aspect of it is to be applied; and
  - (b) the types and nature of businesses that may be considered for each type of preference; and
  - (c) whether the policy applies to —
    - (i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;
    - (ii) different goods or services within a single contract or various contracts;
    - (iii) different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders,or to any combination of those factors.
- (3) An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.
- (4) The local government is to ensure that a copy of an adopted regional price preference policy is —
  - (a) included with any specifications for tenders to which the policy applies; and
  - (b) made available in accordance with regulation 29 of the *Local Government (Administration) Regulations 1996*.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government (Functions and General) Regulations 1996.*

## POLICY IMPLICATIONS

### 3.13 REGIONAL PRICE PREFERENCE POLICY



#### 3.13 Regional Price Preference Policy

Responsible Directorate	Corporate Services
Responsible Officer	Manager Assets and Procurement
File Number	FIN

#### Objective

To maximize the use of competitive locally based businesses in the provision of goods or services purchased or contracted by the Shire of East Pilbara.

#### Policy

For the purposes of this policy, a regionally based business is to be located within the district of the Shire of East Pilbara.

Where no tender or price is received from a Shire of East Pilbara based business, submissions from businesses based within the City of Karratha and the Shire of Ashburton and the Town of Port Hedland will be deemed to be regionally based for the purposes of this policy.

A price preference will apply to all tenders invited by the Shire of East Pilbara for the supply of goods and services and construction (building) services, unless Council resolves that this policy will not apply to a particular tender.

The following levels of preference will be applied under this policy:

1. Goods and Services – 10%, or to a maximum price reduction of \$50,000
2. Construction (building) Services – 5%, or to a maximum price reduction of \$50,000
3. Goods and Services, including Construction (building) Services – 10%, or to a maximum price reduction of \$500,000, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council.

The application of the preference levels listed in 1.2 above will only be in consideration of the value of those goods and services identified by the supplier as being from regional sources.

In considering any tender or submission, price is only one of the factors to be assessed when Council is to decide which of the suppliers it thinks would be the most advantageous to it

#### **Example of the Application of the Regional Price Preference Policy**

##### **Example 1**

Consider a scenario when the following 2 tenders to supply goods and services are received by a local government that has chosen a 10% rate of preference.



1. Tender 1 is from a regional tenderer (as defined by Council in this policy).
2. Tender 2 is from a metropolitan based firm.

Tenders Received	Price of Tender	Price Reduction at 10% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$100,000	\$10,000 (10% of \$100,000)	\$90,000 (100,000 less \$10,000)
Tender 2	\$95,000	No preference applicable	\$95,000

As can be seen from the table above, in terms of price, the tender from the regional tenderer (Tender 1) is the most advantageous once the preference has been applied.

However, it is important to emphasise that price is only one of the criteria used to determine a successful tenderer. Nonetheless, when the tenders are assessed against all the tender criteria, the adjusted price is the one to be used. That is, the price following the application of any preference.

#### Example 2

This example highlights how the maximum price reduction affects the assessment of tenders. The following scenario where tenders are called to supply construction (building) services by a local government that has chosen a 5% rate of preference.

1. Tender 1 is from a regional tenderer.
2. Tender 2 is from a metropolitan based firm.

Tenders Received	Price of Tender	Price Reduction at 5% rate of preference	Reduced price used for evaluation purposes
Tender 1	\$1,200,000	Less 5% of \$1,200,000 = \$60,000. However the maximum price reduction is limited to \$50,000	\$1,150,000 ((\$1,200,000 less \$50,000))
Tender 2	\$1,145,000	No preference applicable	\$1,145,000

In this case, in terms of price alone, Tender 2 is the most advantageous.



### Annual Review

This policy will be reviewed on an annual basis to assess the financial impact on Council resources and the level of local purchasing. The Council may revise the percentage preference rates as a result of each Review, in accordance with the *Local Government (Functions and General) Regulations 1996*.

References	<i>Local Government (Functions and General) Regulations 1996</i>		
Related Procedures	Nil		
Date Adopted by Council	5 May 2006	Item No	9.4.2
Review/Amendment Date	8 February 2013	Item No	9.1.8
Review/Amendment Date	26 August 2016	Item No	9.2.8
Next Review	To be Reviewed 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.

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

### **RISK MANAGEMENT CONSIDERATIONS**

The amendments to the Regional Price Preference Policy will establish consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers.

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

### **OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Approve the draft amended Regional Price Preference Policy in principle.**
- 2. Give Statewide public notice of its intention to amend the Regional Price Preference Policy, inviting submissions from the public for a minimum of 4 weeks from the date of the notice.**
- 3. Make a copy of the proposed amendment of the Regional Price Preference Policy available for public inspection in accordance with the notice.**

**9.2.7 AWARD OF TENDER RFT 05-2016/17 PROVISION OF FIRE EQUIPMENT  
INSPECTION, SERVICING AND TESTING**

**Attachments:** Under Separate Confidential Cover  
**File Ref:** LEG-13-6-05  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Warren Barker  
Coordinator Building Services  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

For Council to consider tenders for the provision of fire equipment inspection, servicing and testing, and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

**BACKGROUND**

Statutory legislation requires mandatory inspection, servicing, testing and tagging of all fire equipment in all public buildings. Australian Standard 1851-2012 details the service scheduling for all fire equipment.

**COMMENTS/OPTIONS/DISCUSSIONS**

The tender was advertised in the West Australian newspaper on Wednesday 28<sup>th</sup> September 2016, the Shire Tenderlink Portal, the Shire website and Shire notice boards.

Closing date for the tender was 10.00am on Wednesday 19<sup>th</sup> October 2016.

At the close of tender, four (4) compliant tenders and one (1) non-compliant tender were received as follows:

Tenderer
Firesafe
Kyte Holdings
Protector Fire Services
Wormald Australia
Capricorn Extinguisher Services

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

No.	Criteria	Weighting
1	Relevant Experience	25%
2	Skills and Experience of Key Personnel	15%
3	Methodology	5%
4	Demonstrated Understanding	15%
5	Price Consideration	40%

Value for money and costing also formed part of the assessment and consideration. A full assessment of the tender submissions is attached under a separate confidential cover.

The results of the tender assessment indicate that Wormald Australia is the most advantageous to Council.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

The National Construction Code and the Health Act specify the legislative requirements for compliance

### **POLICY IMPLICATIONS**

#### 4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3  
Date: 27<sup>th</sup> June 2003

#### **Objective**

To allow for the proper execution of documents.

#### 3.13 REGIONAL PRICE PREFERENCE POLICY

Minute No: Item 9.2.8  
Date: 26<sup>th</sup> August 2016

#### **Objective**

To maximise the use of competitive locally based businesses in the provision of goods or services purchased or contracted by the Shire of East Pilbara.

#### 3.14 PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.2.8  
Date: 26<sup>th</sup> August 2016



### Objective

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

### 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 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

### RISK MANAGEMENT CONSIDERATIONS

The potential risk to council is twofold:

1. Failing to undertake the statutory testing will result in breaching the legislative requirements and potentially render the public facilities non-compliant, therefore unfit for public use.
2. By not going to public tender to award the works, could potentially breach the tender and purchasing requirements under the Local Government Act.

### FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION**

**THAT Council**

1. **Award Tender 05-2016/17 to Wormald Australia for the provision of Fire Equipment Inspection, Servicing and Testing at the tendered price of \$6570.00 per annum (ex GST).**
2. **Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract between the Shire of East Pilbara and Wormald Australia with respect to this Tender.**

### 9.2.8 MONTHLY FINANCIAL REPORT - OCTOBER 2016

<b>Attachments:</b>	<a href="#">October 2016 Financial Report.pdf</a> <a href="#">October 2016 Asset Variance Report.doc</a> <a href="#">October 2016 Variance Report.doc</a>
<b>Responsible Officer:</b>	<b>Mr Andries Gertenbach</b> <b>Manager Corporate Services</b>
<b>Author:</b>	<b>Mrs Candice Porro</b> <b>Senior Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>09 December 2016</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

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

#### BACKGROUND

The attached 13-page report details the financial activities of the Council for the period 1st October 2016 to 31st October 2016 of the 2016/2017 financial year –

There are 4 sections of the monthly report:

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

#### COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

#### STATUTORY IMPLICATIONS/REQUIREMENTS

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

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*“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**

### **3.1 ACCOUNTING POLICIES**

#### **STRATEGIC COMMUNITY PLAN**

Nil

#### **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

#### **RISK MANAGEMENT CONSIDERATIONS**

This report is part of ensuring that risk matters are reviewed periodically.

**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 1st October 2016 to 31st October 2016 of the 2016/2017 financial year as presented be received.**

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**9.2.9 CREDITORS FOR PAYMENT**

**File Ref:** FIN10-2  
**Attachments:** [Schedule of Accounts Man Chq.pdf](#)  
[Schedule of Accounts EFT 1.pdf](#)  
[Schedule of Accounts Chq 1.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Jeanette Bessell  
Finance Officer  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council endorsement of payment to creditors.

**BACKGROUND**

As per the attachment list, outlines payments made to creditors since the Council meeting on the 28th October 2016.

**COMMENTS/OPTIONS/DISCUSSIONS**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	#35393 to #35835	\$2,802,037.60
	<b>Total</b>	<b>\$2,802,037.60</b>
Cheque Payments	#24177 to #24194	\$8,987.68
Manual Chq Payments	#281 to #291	\$47,150.82
	<b>Total</b>	<b>\$56,138.50</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,858,176.10</u></b>

*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

NIL

**Cancelled Cheques & EFTS**

CHQ3's 284 285 and 286

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EFT#'s 35516 35518 35522 35529 35531 35539 35542 35543 35556 35558 35571  
35576 35577 35578 35580 35675 and 35774

**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**

Nil

**STRATEGIC COMMUNITY PLAN**

Nil.

**RISK MANAGEMENT CONSIDERATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Total expenses of \$2,858,176.10

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	#35393 to #35835	\$2,802,037.60
	<b>Total</b>	<b>\$2,802,037.60</b>
Cheque Payments	#24177 to #24194	\$8,987.68
Manual Chq Payments	#281 to #291	\$47,150.82
	<b>Total</b>	<b>\$56,138.50</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,858,176.10</u></b>



**9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES**

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF  
COUNCIL DECISIONS - OCTOBER 2016**

**File Ref:** CLR-4-5  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Proposed Meeting Date:** 9 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**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**

The status list of Council decisions is included as an attachment to the agenda.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government Act 1995  
Part 2 Constitution of local government  
Division 2 Local governments and councils of local governments  
Section 2.7

- (1) The council –
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

**POLICY IMPLICATIONS**

Nil

## **STRATEGIC COMMUNITY PLAN**

### **Goal 1 – Civic Leadership – Planned Actions**

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

#### **1.1 Efficient and effective local government**

##### **1.1.1 Ethical, accountable and transparent decision-making**

## **RISK MANAGEMENT CONSIDERATIONS**

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

## **FINANCIAL IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple.

## **OFFICER'S RECOMMENDATION**

**THAT the Director Technical and Development Services “Status of Council Decisions” Report for the month of October 2016 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin	MDS-P	Refer to Information Bulletin	In Progress
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – newman - Cr Shane	MDS-P	Refer to Information Bulletin	In Progress
28 August 2015	13.8	carawine gorge Cr Lang Coppin	MDS-P	Refer to Information Bulletin	In Progress
27 <sup>th</sup> May 2016	•	BBQ AT NULLAGINE LOOKOUT Cr Biddy Schill commented that the BBQ at the Nullagine lookout is not working. Ms Sian Appleton to follow up.	MTS-R	<ul style="list-style-type: none"> <li>• BBQ to be located at Wi-Fi toilet hotspot opposite hotel.</li> <li>• Final signage to be installed when new BBQ is in place.</li> <li>• Quotes to be finalised and unit ordered before Xmas</li> </ul>	Mar 2017
26 August 2016	13.4	NEWMAN AIRPORT LUGGAGE TROLLEY Cr Gerry Parsons asked if it was possible to get a couple of luggage trollies at Newman Airport as she has had requests from the community. Director Technical and Development Services to follow up.	MDA	Design and detail costings will be developed for a low volume number (10-15) of trollies and associated trollies bays (3) and infrastructure. A capital budget of \$15k will be included in the budget review for consideration.	Feb 2017
28 <sup>th</sup> October 2016	13.5	TESTING OF THE DUST IN NEWMAN Cr Shane Carter asked if it was possible to test the dirt at Orebody 25, 29 & 35. Mr Allen Cooper, CEO replied, a formal request has been submitted to DER and is waiting for the testing equipment to be relocated to Newman.	MDS-H	DER have confirmed that they will run a 12 month monitoring program for 12 months at 2 sites yet to be determined, provided the shire commits to collect , pack and freight the samples every 2 weeks. Will include dust levels , dust types and asbestos fibres. Details of results will be provided through Council information bulletins.	Feb 2017

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
28 <sup>th</sup> October 2016	13.6	RUBBISH BINS AFTER THE BLOODY SLOW CUP Cr Jay Ahmedi asked for future Bloodyslow Cup events, is it possible to have extra rubbish bins as the bins were overflowing especially at the cricket oval.	DTDS MRE	This will be investigated by Shire PETS team and the advice provided to organisers.	Feb 2017
28 <sup>th</sup> October 2016	13.7	GARDEN BED NEWMAN DRIVE Cr Lynne Craigie said the garden beds on Newman Drive, next to the Chicken Treat Van needs attention.	DTDS	Will discuss options with staff and BHP and prepare some costings and design.	Feb 2017
28 <sup>th</sup> October 2016	13.3	WATER AT THE DOG PARK Cr Shane Carter asked if it was possible to get a drinking tap in the dog park.	DTDS MDS-H MTS-N	Will be reinvestigated by staff	Feb 2017

**9.3.2 AWARD OF TENDER - RFT 06-201617-NEW ARCHIVE BUILDING ANIMAL  
MANAGEMENT FACILITY BUILDINGS**

**File Ref:** LEG-13-6-6  
**Attachments:** [Under Separate Confidential Cover](#)  
[Animal Management Facility Drawings](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Ian Hamilton  
Special Projects (Consultant)  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** Newman Works Depot  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider tenders for the Design and Construction of a New Archive Building & Animal Management Facility Building, to be located at Newman Works Depot and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract for the successful tenderer.

**BACKGROUND**

The Archive and Animal Management Facility project will have an outcome of improved community safety and care pertaining to animal management and storage of archive documentation in accordance with the Shire of East Pilbara's Record Keeping Plan 2013.

The upgrade and relocation of the pound will also facilitate the integration of the adjacent lot purchased by the shire for the future expansion of the depot.

At the Ordinary Council Meeting held 24 July 2015, Council resolved:

*“ COUNCIL RESOLUTION: 201516/12*

*MOVED: Cr Anita Grace*

*SECONDED: Cr Gerry Parsons*

*THAT Council*

- 1. No Tender for RFT 17-2014/15 Archive Building and Animal Management Facility be accepted; and*
- 2. The design and requirements for this tender be re-evaluated and re-tendered.*

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

Subsequently the Shire undertook a second Tender procurement process for the Design, Construct, and Installation of a New Archive Building & Animal Management

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Facility Buildings. The Tender was publically advertised on the 8<sup>th</sup> October 2016. The Tender closed for submissions at 2.00pm, Tuesday, 8<sup>th</sup> November, 2016.

This project is for the Design, Construction and Installation of a new Archive Building and a combined Animal Management Facility that are to be based on the detailed “Hames Sharley” drawings. The drawings undertaken for the Principal by Hames Sharley are to be used as a “Guide” as the Principal is interested in alternative designs, use of alternative building materials and methods to achieve the same outcome that may represent value for money. The new archive building will be located adjacent to the boundary fence and subsequently must have the **correct fire rating** accordingly.

The existing shed will now be kept and used as additional storage space. A compliance report indicated that the building would require significant upgrades to be used for any other purpose. The other major changes from the first tender is that the archive building has been moved to accommodate the existing shed which requires the removal of the existing disused overhead diesel tank and the Community Safety Office has been expanded to cater for future relocation of the Community Safety Section to the Depot.

Appendixes Four to Seven identify:-

- Approximately, 136sqm New Archive Building with 24/7 air conditioning. No gas suppression system required. (Refer Appendix Four as Guide)
- Individual Dog compounds and dog exercise yard. (Refer Appendix Five as Guide)
- Approximately, 72sqm Office facility, (Refer Appendix Six as Guide)
- Relocation of existing 15sqm Cattery and new approximately 24sqm Cat exercise yard. (Refer Appendix Seven as Guide)

The RFT documentation outlined the selection criteria with the associated weights for the evaluation of the tenders as follows:

Relevant Experience	Weighting	25%
Skills & Experience of Key Personnel	Weighting	15%
Methodology	Weighting	5%
Demonstrated Understanding	Weighting	15%
Price Consideration	Weighting	40%

**COMMENTS/OPTIONS/DISCUSSIONS**

Four conforming tenders were received from the following organisations:

<b>Tenderer</b>	<b>ABN:</b>	<b>Address:</b>
Ahrens	76 114 260 230	Lot 35 Shovelanna Street, Newman. WA. 6017
Argonaut	51 610 716 062	4/990 Croydon Road, Karratha Industrial Estate. Karratha. WA. 6714
Grandchoice Holdings t/a Karratha Building Unit	16 742 052 318	Lot 996 Coolawanyaah Road Karratha. WA. 6714
Linkforce Engineering	57 123 543 699	668 Murray Street West Perth. WA 6005.

A full assessment of the tender submissions is attached under separate confidential cover.

The Contract is anticipated to be for the period of December 2016 to April/May 2017.

**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**



## 10.12 Purchasing and Tender Procedures

Responsible Directorate	Technical and Development Services
Responsible Officer	Chief Executive Officer Deputy Chief Executive Officer Director Technical and Development Services
File Number	TCH 1-7

### Objective

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

### 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 - \$149,999	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.





\$150,000 & 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.
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### 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:

1. Any item budgeted as a capital item in the adopted budget;
2. 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 \$150,000. If the purchase is in excess of \$150,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

1. Deputy Chief Executive Officer
2. Director Technical & Development Services
3. 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;

1. Managers
2. 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.

1. Coordinators
2. 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.

Other officer's in line with relevant procedures will have authority to authorise purchases to the value of \$2,000.

#### Light Vehicle Purchases

The designated Fleet Officer is authorized to purchase light vehicles under \$150,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Council's Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

#### Consultants Services

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

Between \$20,001 and \$150,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$150,000 shall undergo the full tender process.

#### Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$150,000) 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:

1. Valuation by the auction house.
2. Valuation from a recognised source ie: red book.
3. Internet research.
4. 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

**Regulatory Compliance**

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

7. An emergency situation as defined by the Local Government Act 1995;
8. 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;
9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
12. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.
13. The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.
14. The goods or services are obtained through an Australian Disability Enterprise.



References	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Local Government (Functions and General) Regulations 1996 (as amended)</li> </ul>		
Related Procedures	Nil		
Date Adopted by Council	27 June 2003	Item No	9.1.3
Review/Amendment Date	5 May 2006	Item No	
Review/Amendment Date	27 April 2007	Item No	9.3.5
Review/Amendment Date	24 July 2009	Item No	9.4.1
Review/Amendment Date	29 January 2010	Item No	9.1.6
Review/Amendment Date	11 March 2011	Item No	9.2.5
Review/Amendment Date	3 February 2012	Item No	9.1.8
Review/Amendment Date	25 May 2012	Item No	9.2.4
Review/Amendment Date	28 July 2012	Item No	9.2.7
Review/Amendment Date	28 June 2013	Item No	9.2.6
Review/Amendment Date	27 September 2013	Item No	9.2.7
Review/Amendment Date	6 December 2013	Item No	9.2.9
Review/Amendment Date	24 April 2014	Item No	9.2.17
Review/Amendment Date	12 December 2014		9.2.2
Review/Amendment Date	30 January 2015	Item No	9.2.6
Review/Amendment Date	6 March 2015	Item No	9.2.11
Review/Amendment Date	26 June 2015	Item No	9.2.7
Review/Amendment Date	25 September 2015	Item No	9.2.4
Review/Amendment Date	23 October 2015	Item No	10.2.6
Next Review			

#### **4.5 EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27<sup>th</sup> June 2013**

##### **Objective**

To allow for the proper execution of documents.

##### **Policy**

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

#### **STRATEGIC COMMUNITY PLAN**

##### **Goal 1 – Civic Leadership – Planned Actions**

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

1.1 Efficient and effective local government

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

##### **RISK MANAGEMENT CONSIDERATIONS**

Low Risk in supporting recommendation is as it aligns with shires budget and strategic objectives. Not going with recommendation is a moderate negative risk that would impact Shire Reputation as the grant has been rolled over several times and failure to acquit in a reasonable timeframe may have a negative effect on future applications. Reputation with contractors would also be negatively impacted as they invest significant time and funds to submit tenders to the shire. The shire would also be exposed to a financial risk with the return of funds some of which has already been spent and negative impact on strategic development of the Depot.

##### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. Adopted Budget Project Accounts GL49037 \$300,000; GL59019 \$330,000. The project is also supported by a \$80,00 grant that must be acquitted in 2017.

##### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Award Tender RFT-06-2016/17 for the Design, Construct and Installation of a New Archive Building & Animal Management Facility Buildings located at Newman Works Depot, Corner Welsh Drive and Woodstock Street Newman WA, 6753 to Ahrens Group ABN 76 114 260 230 at the tendered price of \$629,078.70 (ex gst)**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between the Shire and Ahrens Group ABN 76 114 260 230 with respect to this Tender.**

**9.3.3 NEW DELEGATION FROM COUNCIL TO CHIEF EXECUTIVE OFFICER:  
PUBLIC HEALTH ACT 2016**

**File Ref:** LEG-1-2  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Edmore Masaka  
Manager Development Services - Health  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to adopt and delegate all its powers conferred to it under the Public Health Act 2016 to the Chief Executive Officer.

**BACKGROUND**

Following the coming into force of the Public Health Act 2016, herein referred to as the 'Act', the Department of Health (WA) advises local government to prepare for the implementation of stage 3 by putting into place processes which provide for:

- Automatic designation of Environmental Health Officers as authorised officers and;
- Future designation of authorised officers following stage 3 as provided for under Section 24 of the Act.

Section 16 of the Public Health Act 2016 specifies the functions of local government as:

**Division 2 — Functions of local governments**

**16. Functions of local governments**

A local government has the following functions in relation to the administration of this Act —

- (a) to initiate, support and manage public health planning for its local government district;
- (b) to develop and implement policies and programmes to achieve the objects of this Act within its local government district;
- (c) to perform the functions that are conferred on local governments by or under this Act;
- (d) to administer and enforce this Act within its local government district in accordance with the objects and principles of this Act.

Section 17 of the Act now empowers local government to appoint environmental health officers to function as authorised officers under the Act:

---

**17. Appointment of environmental health officers**

- (1) A local government may appoint one or more persons as environmental health officers.
- (2) An appointee may be —
  - (a) a person employed by the local government under the *Local Government Act 1995* section 5.36; or
  - (b) a person engaged by the local government under a contract for services.
- (3) A local government must not appoint a person as an environmental health officer unless the person has the qualifications and experience approved by the Chief Health Officer under section 18.
- (4) Two or more local governments may enter into arrangements for one or more persons to be appointed as environmental health officers for each of those local governments.
- (5) This section does not limit the *Local Government Act 1995* section 5.36.

Section 4 (d) (1) of the Act designates local government as an enforcement agency, with its roles as such being spelt out under Section 19 of the Act as:

**Division 3 — Functions of enforcement agencies**

**19. Functions of enforcement agencies**

An enforcement agency has the functions in relation to the administration of this Act that are conferred or imposed on the agency by or under this Act.

As an enforcement agency, the local government is now empowered to designate authorised officers for the purpose of this Act as provided for under Section 24(1) of the Act:

**Designation of authorised officers**

- (1) An enforcement agency may designate a person or class of persons as authorised officers —
  - (a) for the purposes of this Act or another specified Act; or
  - (b) for the purposes of the specified provisions of this Act or another specified Act; or
  - (c) for the purposes of the provisions of this Act or another specified Act other than the specified provisions of that Act.

To enable Council to fulfil the above mentioned legislative responsibilities, Section 21(1) (b) of the Act empowers it to delegate any or all its powers conferred to it under the Act to its Chief Executive Officer, including the power to appoint environmental health officers and designate certain classes of persons as authorised officers under the Act as long as such appointment and/or designation complies with the requirements of Section 25 of the Act;

**25. Certain authorised officers required to have qualifications and experience**

- (1) An enforcement agency must not designate a person or class of persons under section 24(1) unless the enforcement agency —



- (a) considers that the person or, as the case requires, the persons in that class have appropriate qualifications and experience to perform the particular functions that the person or class of persons are to perform as authorised officers; and
  - (b) has regard to any guidelines issued under section 29.
- (2) This section does not apply to the designation of —
- (a) public health officials, whether individually or as a class; or
  - (b) environmental health officers, whether individually or as a class.

### **COMMENTS/OPTIONS/DISCUSSIONS**

The Department of Health (WA) has advised that the anticipated date when stage 3 of the implementation of the Act will kick off is late January 2017.

It is therefore imperative that Council ensures that due processes regarding the appointment and /or designation of authorised officers are considered and finalised, with the required certificates of authority having been issued to ensure compliance with the Act and also ability to fulfil the legislative responsibilities under this Act by late January 2017.

It is for this reason that Council needs to delegate its powers and responsibilities under the Act to the Chief Executive Officer before late January 2017.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 1 - General) 3.4. Functions may be legislative or executive (pg 40)

### **POLICY IMPLICATIONS**

#### 4.11 LEGISLATIVE COMPLIANCE

### **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.

### **RISK MANAGEMENT CONSIDERATIONS**

There are legal and economic risks which could result in intervention by other authorities such as the State and courts, with potential legal proceedings being implemented against Council.

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council delegates all its powers conferred to it under the Public Health Act 2016 to the Chief Executive Officer, including the appointment of Environmental Health Officers and/or designation of authorised officers as provided for under Section 21(1)(b) of the Act.**

**9.3.4 MEMORANDUM OF UNDERSTANDING - MARBLE BAR VOLUNTEERS  
EMERGENCY SERVICES ARRANGEMENT 2016**

**Attachments:** [Memorandum of Understanding - DFES.pdf](#)

**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services

**Author:** Mr Clint Swadling  
Manager Community Safety

**Proposed Meeting Date:** 09 December 2016

**Location/Address:** Bohemia Street, Marble Bar

**Name of Applicant:** Department of Fire and Emergency Services  
(DFES)  
(Wayne Gregson APM Commissioner) Marble  
Bar Volunteers Emergency Services  
(OIC Robert Claydon)

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider authorising the Chief executive Officer (CEO) to sign the memorandum of understanding (MOU) between the Shire of East Pilbara, Department of Fire and Emergency Services Authority and the Marble Bar Volunteer Fire and Emergency Service (VFES).

**BACKGROUND**

The Shire of East Pilbara has previously been partner to a similar MOU dated 2011-2016. This agreement expires in December 2016 and DFES seeks renewal of this MOU.

The function of the MOU is to ensure the maintenance and support of the Marble bar volunteer fire & emergency services is provided by the stakeholders.

The purpose of the agreement:

- 1.1 This Memorandum of Understanding (MOU) is intended to identify and document the respective roles and responsibilities of the Marble Bar Volunteer Fire and Emergency Services (VFES), the Shire of East Pilbara (the Shire) and the Department of Fire and Emergency Services (DFES), to manage the Marble Bar VFES.
  - 1.2 This MOU outlines the responsibilities and undertakings of the Shire, the Marble Bar VFES and DFES (the parties), for the delivery of volunteer fire and emergency services to the Shire in accordance with DFES' best practices.
  - 1.3 This MOU does not constitute or create and shall not be deemed to constitute, any legally binding or enforceable obligations on the part of any party.
-

### COMMENTS/OPTIONS/DISCUSSIONS

The Marble Bar VFES Unit forms part of the Shire's mitigation and control responsibilities under the *Bush Fires Act 1954* and the *Fire & Emergency Services Act 1998* and is the only emergency service available to respond to road accident rescue fire, flood and cyclone in the Marble Bar townsite and surrounding area.

Whilst the VFES unit is not directly under the Shire's control, the Shire of East Pilbara Chief Bush Fire Control Officer has the ability to activate the unit for the control and extinguishment of wildfire as required.

The MOU as presented has been reviewed by the author and agreed to by the other parties. Council approval will see the terms of this document become formalised between the parties involved.

The Shire of East Pilbara involvement is of a minor nature with a commitment to assist in the support group in the form of a representation at an annual meeting as required.

### STATUTORY IMPLICATIONS/REQUIREMENTS

**Bush Fires Act 1954**, - Local Government responsibility to control and extinguish wildfires burning on land within its district.

Fires and Emergency Services Act 1998

**Emergency Management Act 2005, Regulations** - Local Government prescribed as the Hazard Management Agency (HMA) for wildfires on land within its district other than DEC land or in a gazetted fire district.

### POLICY IMPLICATIONS

Nil

### STRATEGIC COMMUNITY PLAN

#### Goal 1-Economic-Sustainability

To provide continued level of sustained community support and safeguard

### RISK MANAGEMENT CONSIDERATION

Low

### FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation from DFES.

**VOTING REQUIREMENTS**

Simple

**OFFICERS RECOMMENATIONS**

1. **THAT Council authorises the CEO to sign the 2016 Memorandum of Understanding (MOU) between with The Department of Fire and Emergency Services Authority (DFES) the Shire of East Pilbara and the Marble Bar Volunteer Fire Emergency Services (VFES).**

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### 9.3.5 NEWMAN AIRPORT LONG-TERM CAR PARK FEES ADJUSTMENT

**File Ref:** FIN-23-10  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Salomon Kloppers  
Manager Development Airports  
**Proposed Meeting Date:** 09 December 2016  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To seek Council's approval for the amendment of Long-term Car Park Fees and Charges.

#### BACKGROUND

The Car Park Fees and Charges approved for Financial Year (FY) 2015/ 2016 (**Resolution 201415/201**) for the use of Newman Airport included three hours free parking time in the Long Term Car Park.

Light vehicles are allowed to drop off in front of the terminal, but not pick up. Because of the size of the coach buses, they may not attend to the front of the terminal. Hence, they were granted free parking in the Long Term Car Park to pick up and drop off.

The free parking time was introduced so as to provide bus operators with enough time to park free of charge whilst dropping passengers off for a number of flights, whilst waiting for new passengers to deplane and make their way onto the bus. In this manner, buses were given preferential treatment as they could "drop off" for free at the airport for three hours where light vehicles staying three hours were taken to be parked and hence had a fee applied to them.

A consequence of providing the free time to the buses are that all parkers share in the benefit as the car parking system cannot distinguish between buses and other users.

The Long Term Car Park Fees and Charges accepted included the following:

<b>Long Term Car Park Fees and Charges</b>	
<b>Time band current</b>	<b>Cost (incl GST)</b>
0-3 hours	Free
Days 1-7	\$12/ day
Days 8-14	\$10/ day
Days 15 and after	\$8/ day

Heavy vehicle bays are by their nature larger than light vehicle bays. A recent report examining the functioning of the car parks by Parking and Traffic Consultants noted that the Shire should aim at recovering the carry cost of bays at a minimum. For bus bays this is between \$2,421 and \$3,971 p.a. currently no income is generated from buses or anyone else using that car park for less than 3 hours.

### **COMMENTS/OPTIONS/DISCUSSIONS**

It is important to implement a policy of charging for bus and coach parking. Providing these facilities is costing the Shire money, and charging for ground transport access is commonplace around Australia.

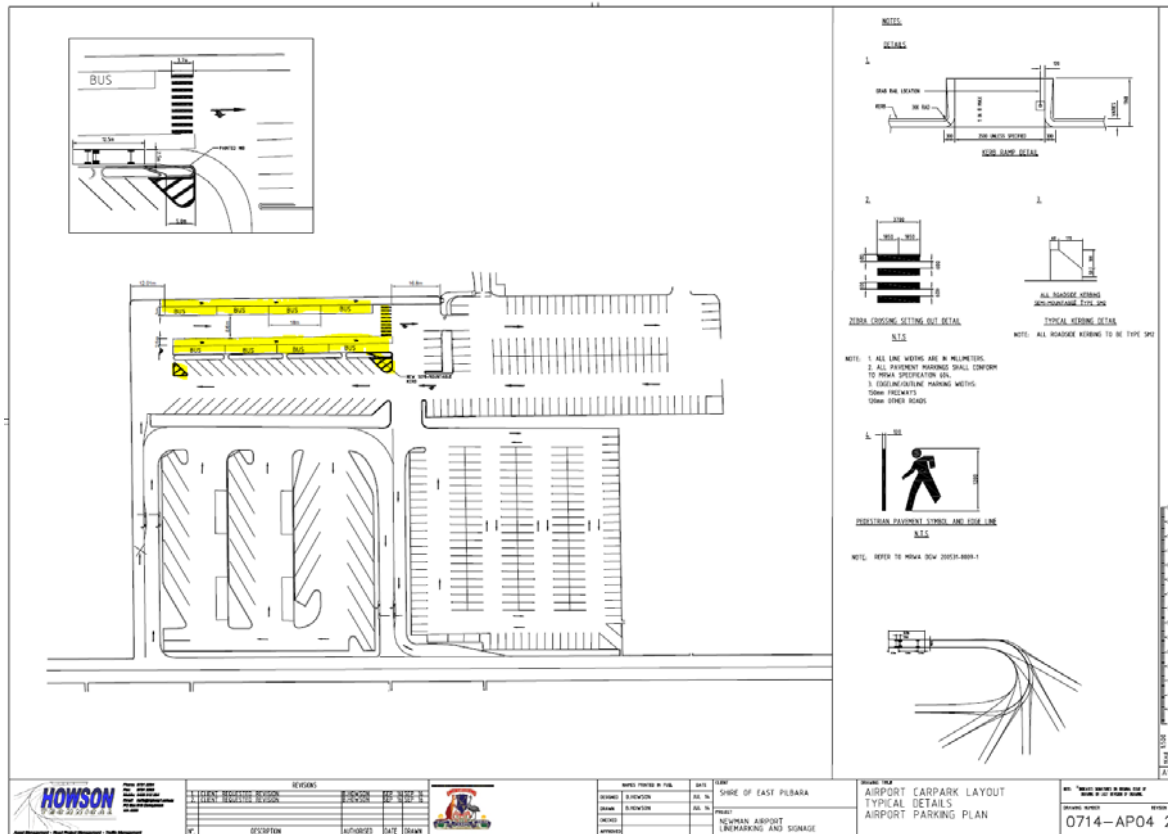
In addition, because the current three hours free in the Long Term Car Park do not differentiate between buses and other traffic, a recent report done on the functioning of the car parks by Parking and Traffic Consultants noted that in addition to buses not paying, the cost of the other vehicles exiting the car park within that time was calculated as 8,038 instances during the year under review. This represented a loss to the Shire of more than \$80,000 dollars.

Observations and consultations have highlighted that almost all coach activity is generated through FIFO pick-up and drop-off. The coach operators have contracts with the mining companies to pick-up and drop-off these workers. Coach operator's use the three hours free in the Long Terms Car Parks of Newman Airport to generate a profit. Because of our fee structure they can use a single bus to perform both pick-up and drop-off across multiple flights.

In addition, the Airport is planning a number of changes in the Long Term Car Park aimed at clients of coach operators in response to discussions with BHP. These aim to:

- Shorten the walking distance by moving bus drop off zones closer to the terminal;
- Increase safety by changing bays so no reversing is needed and;
- Decreasing the turnaround time for buses when picking up or dropping off by providing bays that are drive-thru.

These changes can be visualised using the following diagram with the new bays highlighted:



As a general user-pays principle, the excessively long free parking time has resulted in a significant number of passengers using the airport contribute no money towards the establishment, upkeep, maintenance, management, security or lighting costs of the car parks.

Because the free parking time in the Long Term Car Park is longer than in the Short Term Car Park, the possible users of the Short Term Car Park is currently incentivised to not make use of that facility.

It is suggested that a free parking time of no more than 30 minutes should be applied to the Long Term Car Park which easily meets the Shire's moral obligation to provide a free drop-off/ pick up by buses in a safe and timely manner.

With the three hours free parking time removed, the question is then whether buses must continue to get some kind of special dispensation.

To keep parking costings as simple and consistent as possible it is recommended that fees remain the same with just the reduction of free time affected.

The Airport have confirmed with the largest provider of buses that 30 minutes are adequate for dropping off or picking up passengers, should they be staged already.

Should a bus be used to drop off and pick up passengers over two separate flights it will probably overstay the 30 minutes. However, a payment of \$12 in terms of current parking fees will then be incurred although on a per passenger basis this will be very small. A bus servicing multiple flights would be charged as it would be "parking" and not merely "dropping off".



A provider advised officers that in reality, should the change go ahead, they will cycle buses through their holding yard, rather than continuing using the Airport car parks as storage between jobs.

Buses remaining parked for longer than 30 minutes can pay using all the methods currently available. These include an Annual Parking Permit (fixed fee parking regardless of how heavy the use), Stored Value Card (pay only for the actual parking used), or manual pay station.

Points that were considered included:

1. That all vehicles regardless of size pay the same as the system cannot differentiate between vehicle sizes and adapt the fee charged accordingly;
2. Unless a billing system is implemented (using the proximity cards) the driver will need to have cash or a credit card to exit the coach area (the Shire has an annual permit and stored value card system in place); and
3. A free time change will have minimal impact on legitimate drop-off/ pick-up only operators.
4. The change will allow the Shire to provide industry standard parking while allowing a financial return.

It is recommended that the free parking time in the Long Term Car Park be reduced to 30 minutes and that all users are subject to the same fee for periods in excess of that. It is also recommended that the implementation date of this be made 1 February 2017.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 6 - Financial management (Division 5 - Financing local government activities) (Subdivision 2 - Fees and charges) 6.17. Setting the level of fees and charges (pg 221)

Part 6 - Financial management (Division 5 - Financing local government activities) (Subdivision 2 - Fees and charges) 6.19. Local government to give notice of fees and charges (pg 222)

### **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.

### **RISK MANAGEMENT CONSIDERATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION**

**THAT Council**

1. Approves the Newman Airport Long Term Car Parking Fees and Charges as follows:

<b>Long Term Car Park Fees and Charges</b>	
<b>Time band</b>	<b>Cost (incl GST)</b>
<b>0 - 30 minutes</b>	<b>Free</b>
<b>30 minutes to 7 days</b>	<b>\$12/ day or portion of</b>

2. Impose the fees effective from the 1<sup>st</sup> February 2017.
3. Provide notice of the adopted fees as advertised, pursuant to sections 1.7, 6.16, 6.17 & 6.19 of the Local Government Act 1995.

**9.3.6 AFFIXING THE COMMON SEAL TO THE LEASE OF THE BUREAU OF METEOROLOGY SITE AT NEWMAN AIRPORT**

<b>Responsible Officer:</b>	<b>Mr Rick Miller Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Salomon Kloppers Manager Development Airports</b>
<b>Proposed Meeting Date:</b>	<b>09 December 2016</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To seek Council approval to apply the Common Seal of the Shire of East Pilbara (Shire) to the Agreement between the Shire and the Bureau of Meteorology (BOM).

**BACKGROUND**

BOM maintains a site dedicated to the measuring of weather parameters for aviation safety at Newman Airport. This site was made available to the BOM at no cost as a public service.

At the time of its establishment the site was located away from other infrastructure. However, over the course of the previous agreement (10 years) the site was slowly built in by other lease areas and buildings.

For technical reasons the site must have uninterrupted airflow and be situated away from interferences.

**COMMENTS/OPTIONS/DISCUSSIONS**

BOM has approached the Shire with an offer to create a new lease for the BOM weather site with a duration of ten years.

Shire officers discussed the location of the current BOM site with BOM. It was recognised that although currently suitable, any additional development of the lease areas surrounding the site may negatively impact on the accuracy of the readings collected.

The lots around the current BOM weather site is likely to be built up over the course of a long term agreement.

The parties recognised the possibility that the site may have to be relocated (at the expense of BOM) at some point in the future.

Also identified was the fact that the Shire is about to embark on a new Master Plan process that will provide guidance as to land use. Until the finalisation of that Master

Plan, it would be premature to identify a new location for the BOM weather site that will be future proof.

Considering the above, the parties are agreeable to a short term lease of two years (a twelve month period with an option held by the parties of an additional twelve months).

This will provide ample time for the Master Plan to be completed and a new site to be identified.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **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.

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

**Goal 3 – Economic – Planned Actions**

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

- 3.3 Provide adequate community infrastructure
  - 3.3.1 Ensure well managed and equitable provision of community infrastructure  
Partnering With: Federal Government, State Government, Industry, NCCI, other relevant stake holders  
Responsible officer: MBA  
Timing: 1-5 years
  - 3.3.3 Provide infrastructure to support economic development  
Partnering With: State Government, Industry, NCCI, other relevant stake holders  
Responsible officer: DCEO  
Timing: 1-5 years

**RISK MANAGEMENT CONSIDERATIONS**

Nil

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council approves the Chief Executive Officer to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and the Bureau of Meteorology for period UP TO of two years (12MONTHS + 12 MONTH OPTION) all inclusive.**

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### 9.3.7 MANAGEMENT OPTIONS FOR CARAWINE GORGE

**File Ref:** A501510  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Roy Winslow  
Manager Development Services - Planning  
**Proposed Meeting Date:** 9 December 2016  
**Location/Address:** PORTION OF DE GREY LOCATION 131,  
WARRAWAGINE STATION, MARBLE BAR  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

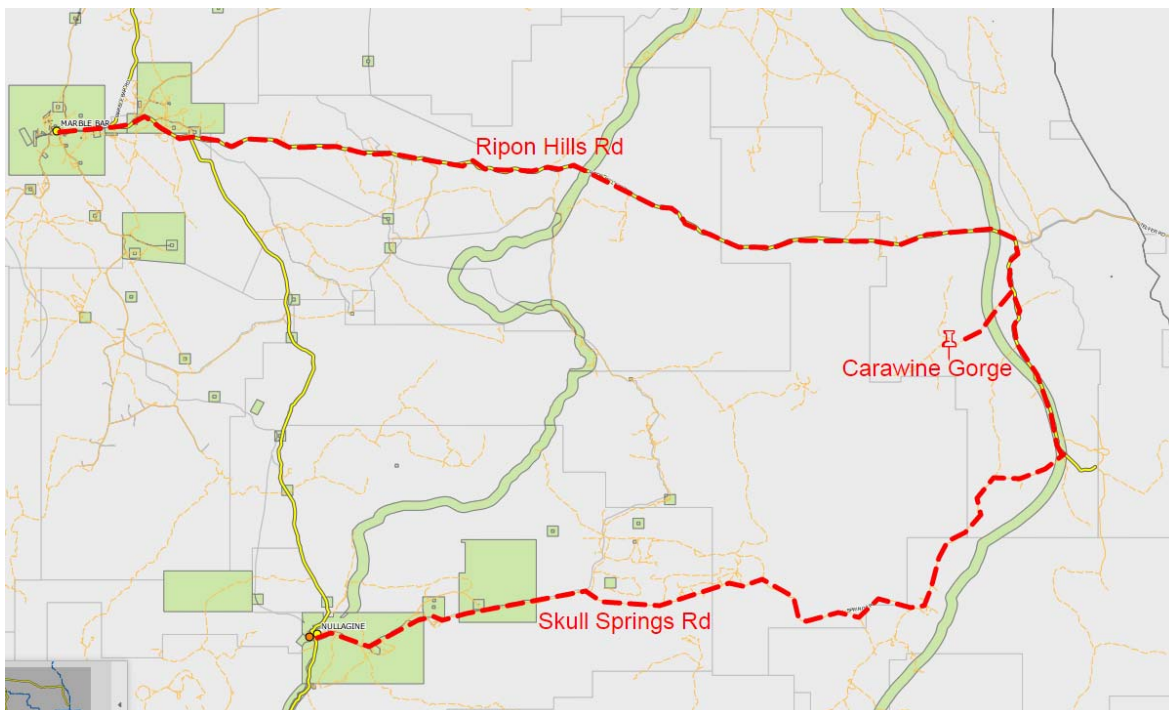
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#### REPORT PURPOSE

For Council to consider management options for Carawine Gorge, Marble Bar.

#### BACKGROUND

Carawine Gorge is located on Warrawagine Station, approximately 170km east of Marble Bar via Ripon Hills and Woodie Woodie Roads. It is accessed from Marble Bar by Ripon Hills Road and Nullagine by Skull Springs Rd.



The Gorge includes a permanent pool on the Oakover River and is well regarded for its sheer rock faces and picturesque setting. Warrawagine Station currently allows free camping on the eastern riverbank, which is flat and provides shade. There are no camping facilities provided with the majority of campers using self-contained caravans and campers (see photos below).



The natural attributes of Carawine Gorge are not currently afforded protection through national park or conservation listing. The Gorge is managed by the pastoral station under the term of its lease. Whilst public access is permitted by the station owner, there is no right of public access at this time.

Given the lack of formalised public access or conservation protection of Carawine Gorge, this report has been prepared to identify the options available.

## **COMMENTS/OPTIONS/DISCUSSIONS**

### *Management Options*



There are three main options available for the future management of Carawine Gorge:

1. Continued management by Warrawagine Station.
2. Creation of a Conservation Park or Nature Reserve vested in the Department of Parks and Wildlife. (DPaW)
3. Creation of a Recreation / Camping Reserve vested in the Shire.

*Option 1 – Continued Management by Warrawagine Station*

This is the simplest option, but does not provide any additional right of public access or formalise the conservation value of Carawine Gorge. However, the opportunity is available for the Shire and the station owner to agree to continued public access. Contribution to costs associated with maintaining the camping ground could also be arranged if Council so wished. Currently, the 14km access road is graded annually by the Shire. Additional contributions could include signage and ablutions (noting the logistical issues surrounding cleaning and maintenance given the isolation of the site).

There is ability under the pastoral lease for the station owner to apply for a diversification permit to build on the tourism potential for the site, if they so wish.

*Option 2 – DPaW reservation*

Reservation of Carawine Gorge and its surroundings as a conservation reserve or nature park under the Conservation and Land Management Act 1984 is possible, subject to the Department of Parks and Wildlife (DPaW) being willing to take on the reservation. This option is dependent upon the station owner being supportive of excision of an identified parcel of land from the pastoral lease and DPaW accepting management of it.

Reservation under the CALM Act will require the conservation values of the area to be well documented and is likely to be a drawn-out process. Preliminary discussions with DPaW indicate that it is not currently planning to increase its conservation holdings in the Pilbara at this time. Future planning by DPaW is focussed on improvements at its existing parks, in particular Karijini and Millstream-Chichester.

*Option 3 – Creation of a Recreation and Camping Reserve vested in the Shire*

Should Council so wish, it could request land be excised from the pastoral lease and vested with it for recreation and camping purposes. This reservation would occur under the Land Administration Act 1997. As with the DPaW reservation, it would require the pastoral lease holder to relinquish portion of the lease.

Taking on management of Carawine Gorge would require the Shire to allocate sufficient resources to provide the level of service desired.

*A-Class Reservation*

An “A-class reserve” is commonly considered a form of environmental protection, as many existing A-class reserves have high environmental values. However, this is not necessarily the case. Under the Land Administration Act 1997, an A-Class reservation places a higher level of statutory protection on amendments to the management of the reserve, such as changes to the purpose, management authority or leasing. Any proposed changes require tabling in both houses of Parliament prior to being approved by the Minister for Lands.

Although the creation of new A-Class reserves is still possible under the Land Administration Act, it is now rarely used. This is likely due to the presence of the Conservation and Land Management Act, which provides a similar level of statutory control for reserves with a conservation purpose.

In the event that Carawine Gorge is reserved and vested in the Shire, it is unlikely to trigger the need for A-class reservation. The presence of a range of environment protection measures, such as native clearing controls, threatened species protection, aboriginal heritage protection and water quality controls, removes the need for the higher level of scrutiny provided by A-class reservation.

#### *Next Steps*

In order to move forward, Council is requested to provide direction on what the objectives of reservation of Carawine Gorge would be. The first step in this process is to determine whether reservation is required at all, or if the current situation of management under the pastoral lease can continue. Should Council consider reservation is desirable, it is recommended that it also decides on whether the primary purpose of reservation is to conserve (Option 2) or formalise public access and enjoyment (Option 3).

#### *Officer Comment and Recommendation*

Given the likelihood that DPaW will be unwilling to take control of Carawine Gorge, the choice appears to be limited to either Option 1 (continued management under the pastoral lease) or Option 3 (Shire reservation). Should the Shire take on care and control of Carawine Gorge, any increase in the level of service to campers and visitors will create logistical challenges with ongoing maintenance and operation.

The current situation of the site being managed by the local station appears to be effective in keeping the site maintained to an appropriate standard, although the Shire is aware of issues in the past with littering and uncontrolled vehicle access.

Council officers recommend no change to the tenure of the land at this time (Option 1). However, increases to the level of amenity provided to visitors and campers can be explored by the Shire and station owners with any financial implications considered during the normal budgetary process.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Land Administration Act 1997 and Conservation and Land Management Act 1985 as discussed above.

### **POLICY IMPLICATIONS**

Nil

## STRATEGIC COMMUNITY PLAN

### Goal 3 – Economic – Planned Actions

- 3.3.3 Provide infrastructure to support economic development  
Partnering With: State Government, Industry, NCCI, other relevant stake holders  
Responsible officer: DCEO  
Timing: 1-5 years

### Goal 4 – Environmental – Planned Actions

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

#### 4.2 Promote a sustainable environment

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

#### 3.1 Business diversification and promotion

- 3.1.3 Encourage tourism  
Partnering With: State Government, Industry, NCCI, other relevant stake holders  
Responsible officer: DCEO  
Timing: 1-5 years

## RISK MANAGEMENT CONSIDERATIONS

Any vesting or taking on care and control of Carawine Gorge will increase organisational risk.

## 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:

1. **Does not seek excision of Carawine Gorge from the Warrawagine Station pastoral lease;**
2. **Instructs the Chief Executive Officer to investigate with Warrawagine Station opportunities for shared contributions to improvement to visitor and camping amenities at Carawine Gorge with any financial implications on the Shire to be considered for inclusion in the 2017/18 Budget.**

- 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**  
3rd February 2017
- 15 CLOSURE**