

Unconfirmed copy of Minutes of
Meeting held on 9 March 2018 subject
to confirmation at meeting to be held
on 13 April 2018



EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 9 MARCH, 2018.

Sian Appleton
ACTING 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: _____
Sian Appleton
Acting Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10.12 AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie	Shire President
Cr Jeton Ahmedi	Deputy Shire President
Cr Lang Coppin OAM	Councillor
Cr Anthony Middleton	Councillor
Cr Carol Williams	Councillor
Cr Biddy Schill	Councillor
Cr Craig Hoyer	Councillor
Cr Gerry Parsons	Councillor
Cr Dean Hatwell	Councillor

Officers

Ms Sian Appleton	Acting Chief Executive Officer
Mr Rick Miller	Director Technical and Development Services
Mr Ben Lewis	Acting Director Community Services

Public Gallery

Nil

2.2 APOLOGIES

Councillor Apologies

Cr Michael Kitchin	Councillor
Cr Anita Grace	Councillor

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

3.1 CR ANITA GRACE - NCR18-5387

3.1.1 BUSH FIRE BRIGADE – NEWMAN

On the 5th February 2018 Cr Anita Grace called as a query was raised by a member of the public regarding Newman setting up a Bush Fire Brigade in conjunction with the Newman Fire Volunteers.

Mr Rick Miller, Director Technical and Development Services replied the Shire is still investigating and will report back to Council in April with a recommendation.

3.2 CR BIDDY SCHILL – IAM18-41340

3.2.1 NULLAGINE TOWN PARK

Requested a definitive completion date on works at the Nullagine Town Park.

Mr Rick Miller, Director Technical and Development Services response:

Installation was delayed due to contractor workloads that required changed timing of start date. It is currently scheduled for completion by 23 March 2018.

3.2.2 TOILET BLOCKS AT GALLOP HALL AND CARAVAN PARK NULLAGINE

Allegedly these premises have been assessed could we have a result and plans for the refurbishment.

Ms Sian Appleton, Acting Chief Executive Officer response:

Gallop Hall new toilet block is in the agenda for consideration.

Mr Ben Lewis, Acting Director Community Services response:

An initial site audit has been completed; this information will form part of the report to be present to Council at the April meeting.

3.2.3 CALITROPHIS DECLARED WEED

Calitrophis is a declared weed and ten years ago was hardly ever seen in the Pilbara now; it is along the river banks and bush area. Can the Council contact the Department of Agriculture regarding the controlling of weed.

Mr Rick Miller, Director Technical and Development Services commented that it should be the land owner or district committee that deal with the weed and report to the Department of Agriculture if applicable.

Cr Schill said it may be possible for the KJ Rangers to take the project on.

DTDS to contact KJ regarding if this may be possible.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes February 02 2018 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/126

MOVED: Cr Anthony Middleton

SECONDED: Cr Dean Hatwell

THAT the minutes of the Ordinary Meeting of Council held on 2 February 2018, be confirmed as a true and correct record of proceedings.

CARRIED

RECORD OF VOTE: 9 - 0

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

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Gerry Parsons attended:

- Local Government Webinar
- Pilbara Development Commission Meeting
- Audit Committee Meeting 22 February 2018
- 2 x Newman Chamber of Commerce and Industries
- NCCI – Business After Hours

Cr Biddy Schill attended:

- LEMAC Cyclone Meeting - Teleconference

Cr Craig Hoyer attended:

- Audit Committee Meeting 22 February 2018
- Trip to Nullagine and Marble Bar

Cr Jay Ahmedi attended:

- Citizenship Presentation

Cr Lang Coppin:

- LEMAC Cyclone Meetings

Cr Lynne Craigie attended:

- WALGA State Council Meeting
- WALGA Mayors and Presidents Forum
- Launch of the RAP for LG's
- LGIS Key Stakeholders Meeting
- Freight and Logistics Council Meeting
- Landcorp Meeting
- Lord Mayors Disaster Relief Appeal Meeting
- LGIS Strategic Planning Session
- Pilbara Regional Council meeting
- LGIS Meeting
- PRC Audit Committee
- LG House Trust Meeting
- WALGA Executive Committee Meeting
- Meeting with Minister McTiernan
- Martumili Exhibition – Port Hedland
- ALGA Board Meeting
- Meeting with Adrian Robinson re PRC Review
- WALGA Webinar
- RDA Pilbara Committee Meeting
- NBN Meeting
- Newman Women's Shelter Meeting
- Newman Visitors Centre Meeting
- Newman Senior High School – new staff meet and greet
- Meeting with Minister David Templeman in Newman
- Meeting with Mick Sloane
- Telstra Regional Meeting

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION - FEBRUARY 2018

File Ref: CLR -4-5
Responsible Officer: Ms Sian Appleton
Acting Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 09 March 2018
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 in 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/COUNCIL RESOLUTION: 201718/127

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the Chief Executive Officer "Status of Council Decisions" Report for the month of February 2018 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
25 August 2017	12.1.2	AVIAIR PILBARA-RPT AIR SERVICE MOU	CEO		On Going	
22 September 2017	13.5	DESERT ROAD TRAIL SITES Cr Lang Coppin asked if a letter could be written to the mining companies in the Shire of East Pilbara region for sponsoring the Desert Road Trail whether it is to donate towards signage on the Trail especially Newcrest, Nifty, Woodie Woodie where the trail is close to their mining site. Chief Executive Officer to follow up.	CEO	Letter sent awaiting on response	April 2018	
22 September 2017	13.6	SPONSORSHIP FOR COMMUNITY AREAS Cr Lang Coppin asked if a letter could be written to the mining companies within the Shire of East Pilbara for sponsorship e.g. Rio Tinto,	CEO	The Executive Team met with Millennium / Roy Hill – awaiting	April 2018	

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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
		Millennium, FMG, Roy Hill, e.g. Marble Bar Skate Park, Marble Bar Golf Course, shade over community facilities, Nullagine. Chief Executive Officer to follow up.		further response. No other responses received.		
8 December 2017	9.1.4	ALTERNATIVE QUEEN'S BIRTHDAY PUBLIC HOLIDAY 2018	ESAO	Letter has been sent to the department 13/12/2017 by ESAO – waiting for approval and gazetted for advertising the dates	In Progress	
8 December 2017	9.1.5	LOCAL GOVERNMENT ACT 1995 REVIEW: PHASE 1	CES		Now Closed	

**CARRIED
RECORD OF VOTE: 9 - 0**

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

**9.1.2 AFFIXING OF THE COMMON SEAL TO EMPLOYMENT CONTRACT -
MANAGER COMMUNITY SAFETY**

File Ref: ADM-1-1
Responsible Officer: Ms Sian Appleton
Acting Chief Executive Officer
Author: Mr David Kular
Manager Human Resource
Proposed Meeting Date: 09 March 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To note the approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Community Safety.

BACKGROUND

Council has employed Mr Brent Stein to the position of Manager Community Safety. The term of the contract is for three years, from 19th February 2018, and expiring on 18th February 2021.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:

Council's Policy Manual 2017-2018
4.5 Execution of Documents

EXECUTION OF DOCUMENTS

Minute No: Item 9.2.4
Date 9th December 2016

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/128

MOVED: Cr Anthony Middleton

SECONDED: Cr Dean Hatwell

THAT Council note the common seal be affixed to the employment contract between the Shire of East Pilbara and Mr Brent Stein, Manager Community Safety for a term of three years (3) from 19th February 2018 to 18th February 2021.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mr David Kular, Manager Human Resources

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISION -
FEBRUARY 2018**

File Ref:	CLR -4-5
Responsible Officer:	Ms Sian Appleton Acting Chief Executive Officer
Author:	Mrs Sheryl Pobrica Executive Services Administration Officer
Proposed Meeting Date:	09 March 2018
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 in the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
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 - (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/COUNCIL RESOLUTION: 201718/129

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of February 2018 be received.

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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICERS	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
28 July 2017	13.2	NULLAGINE CARAVAN PARK Cr Bidy Schill said the toilet block at the Nullagine Caravan Park requires an urgent upgrade as they are unacceptable for use; especially it is now tourist season. Cr Bidy Schill would like this brought back to Council regarding the condition of the toilet block. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Report being provided re-future of Nullagine Caravan Park	April 2018	
27 October 2017	11.2.4	PROPOSAL TO DEVELOP A RECONCILIATION ACTION PLAN	MCW	RAP Commenced.		
27 October 2017	15.8	GALLOP HALL TOILET BLOCK Cr Bidy Schill said the toilets next to Gallop Hall have been refurbished but when people are using the hall they can only use one toilet, as the other one is used for the CRC staff, and asking why they are locked and should be used for public using the Gallop Hall. Ms Sian Appleton, Deputy Chief Executive Officer to follow up	DCEO	To be considered at Budget Review		
8 December 2017	9.2.3	REVIEW OF POLICY 4.3 CONFERENCES-STUDY TOURS	CG		Completed	
8 December 2017	9.2.4	PROPOSED NEW POLICY 6.12 - ANNUAL THANK A VOLUNTEER AND THE AUSTRALIA DAY WA, COMMUNITY CITIZEN OF THE YEAR (COTY) AWARDS	MCW		Completed	
8 December 2017	9.2.5	AUDIT COMMITTEE REPORT	DCEO		Completed	
8 December 2017	13.2	COMMUNITY BANNER POLES Cr Bidy Schill noted that there are a number of community banners around Newman but none have been put up in Nullagine. Ms Sian Appleton, Deputy Chief Executive Officer to follow up for Nullagine and Marble Bar.	DCEO	New Banners have been ordered.	Completed	
8 December 2017	13.3	RECORDING OF COUNCIL MEETING MINUTES Cr Bidy Schill asked if the audio from Council meetings could be recorded. Shire President Lynne Craigie suggested that the meeting minutes be typed live on the projector as has been done previously. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Member Motion in agenda	Completed	

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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICERS	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE	COMMENTS
8 December 2017	13.4	NEWMAN AQUATIC CENTRE OPENING HOURS Cr Gerry Parsons asked if the Newman Aquatic Centre can look at extending their opening hours as it is starting to heat up. Ms Sian Appleton, Deputy Chief Executive Officer advised that the extended summer opening hours will commence soon.	DCEO	Summer hours have been introduced	Completed	
8 December 2017	13.7	DISCLOSURE OF ORGANISATIONAL RELATIONSHIPS Cr Anita Grace stated that at the recent PRC meeting, a question was asked on whether the Shire's relationship with the PRC needs to be disclosed in relation to the related party disclosure form. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Coordinator Governance following up	March 2018	Discussion with Auditors has concluded that the PRC relationship does not need to be disclosed in relation to the related party disclosure form.
8 December 2017	13.8	COUNCILLOR KNOWLEDGE OF THE SHIRE Cr Lang Coppin asked if it would be possible to arrange an internal trip across the Shire for all Councillors in an effort to increase their working knowledge on its communities. Shire President Lynne Craigie said that this would be logistically difficult and suggested that staff produce a photo and information session to be presented by Council. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	With the Media Relations Department	April 2018	
8 December 2017	13.15	MARBLE BAR RACE CLUB TOWER Further to previous discussion, Cr Michael Kitchin raised the concern about the instability of the commentator's tower at the Marble Bar Race Club. Cr Kitchin asked if the Shire could potentially have any duty of care or liability. Mr Allen Cooper, Chief Executive Officer said that the Shire's Building and Assets unit can investigate the structure and if it is deemed unstable it can be cordoned off; but noted that this is ultimately not the Shire's responsibility.	MAP/ADC	Inspection undertaken. Acting Director Community Services to comment	Completed	

**CARRIED
RECORD OF VOTE: 9 - 0**

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

9.2.2 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Dawn Brown
Contract and Procurement Officer

Proposed Meeting Date: 09 March 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

This report is to advise Council of the documents that have had the Shire of East Pilbara's Common Seal affixed under delegated authority since the Council Meeting held 2nd February, 2018.

BACKGROUND

There was one document that has had the Shire's Common Seal affixed under delegated authority, since the last Council meeting.

COMMENTS/OPTIONS/DISCUSSIONS

Document	Details	Parties	Synergy TC No.
Contract	Installation Box Culverts (RFQ 03-2017/18)	LG Craven & Sons	TC2017560

- Contract – Installation of Box Culverts, Newman – awarded to LG Craven & Sons – works have recently been completed.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995, Part 9, Division 3, s.9.49A Execution of Documents.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.2.4

Date: 9th December 2016

Objective

To allow for the proper execution of documents.

Policy

All documents validly executed will have the common seal affixed and any two of the following: the Shire President, Chief Executive Officer or Deputy Chief Executive

Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM-14-9
Legislative Authority for Delegation: S5.42 Local Government Act 1995

And Delegated Authority as per:

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

STRATEGIC COMMUNITY PLAN

Goal 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

Should Council not be informed of the documents that have had the Common Seal affixed under delegated authority, the Shire will fail to abide by their Execution of Documents Policy which clearly states that "*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*".

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/130

MOVED:Cr Craig Hoyer

SECONDED:Cr Jeton (Jay) Ahmedi

THAT Council have been advised that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and LG Craven and Sons for the Installation of Box Culverts.

CARRIED

RECORD OF VOTE: 9 - 0

To be actioned by Ms Dawn Brown, Contract and Procurement Officer

9.2.3 AUDIT COMMITTEE REPORT 22 FEBRUARY 2018

File Ref:	FIN-23-1
Attachments:	rptCARFullReturn.pdf Minutes February 22 2018 Audit Committee.docx
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Lisa Davis Manager Corporate Services
Proposed Meeting Date:	09 March 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider recommendations from the Audit Committee.

BACKGROUND

The Audit Committee met on the 22 February 2018 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.

1.1 Efficient and effective local government

- 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

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/131

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council consider the following recommendation as presented by the Audit Committee.

AUDIT COMMITTEE RECOMMENDATION

THAT Council adopt the Compliance Audit Return for the calendar year 1 January 2017 to 31 December 2017.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

To be actioned by Ms Lisa Davis, Manager Corporate Services

9.2.4 BUDGET REVIEW AS AT 31 JANUARY 2018

File Ref: FIN-23-10
Attachments: [Budget Review pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Lisa Davis
Manager Corporate Services
Proposed Meeting Date: 09 March 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider and accept the budget review as at 31 January 2018.

BACKGROUND

This report outlines projected variance within the 2017/2018 budget, proposed changes to the budget and brief explanation of why the changes are required. Also attached is a nineteen page report detailing projected actual figures to 31 January and variances against the budget figures.

These are three sections to the budget review attachment:

1. A financial activity report outlining variances against project actuals and the 2017/2018 project.
2. A reconciliation of projected actual capital expenditure against the 2017/2018 budget.
3. Projected net assets as at 30 June 2018.

COMMENTS/OPTIONS/DISCUSSIONS

The Deputy Chief Executive Officer will provide an overview and explanation as required of how to interpret the budget review.

The bought forward surplus in the budget increased by approximately \$2,000,000. The majority of this is due to the Auditors request to bring the financial assistance grant in advance into the general revenue of the 2016/2017 year.

As at the 31 January material variances in the operating and capital budgets are as follows:

General purpose Funding – Function 3

Financial Assistance Grant has been reduced by - \$439,500.

Governance – Function 4

Overspend in IT and Communications approximately - \$170,000.

Education and Welfare – Function 8

Funding for the Family and Youth Hub is down by \$5,500,000 matched by a decrease in expenditure.

Community Amenities – Function 10

Liquid Waste and Tip Fees down on budget by approximately \$250,000.

Recreation & Culture – Function 11

Overspend in Parks & Gardens approximately - \$100,000.

Transport – Function 12

Income for Landcorp to be bought in the 2018/2019 - \$150,000.

The following additional expenditure on capital is submitted for consideration by Council:

New Capital Expenditure		
Kiln (partly funded)	New	\$ 10,000
Rec Centre Mural	New	\$ 10,000
Staff Housing – moved from reserve	Increase	\$ 80,000
Marble Bar Public Toilet – from EPAC toilet	New	\$120,000
Nullagine Public Toilet – from EPAC toilet	New	\$120,000
Donga transport to Nullagine Depot	New	\$ 50,000
Cape Keraudren Residence	Additional	\$ 50,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		

Capital Items not Undertaken		
IT Equipment	Reduced	\$150,000
EPAC Toilets– as above & partly moved to reserve	Reduced	\$410,000
Rec Centre Aircon – underspend moved to reserve	Reduced	\$ 50,000
Cenotaph – moved to reserve	Reduced	\$200,000
Heavy Plant – moved to reserve	Reduced	\$500,000
TOTAL CAPITAL WORK NOT UNDERTAKEN		

Additional Reserve Transfers		
Recreation Facilities Maintenance	Transfer In	\$1,000,000

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Financial Management) Regulations 1996 – Part 3 Annual Budget s6.2

33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

- (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Local Government Act 1995 Part 6, Division 4

6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose,**it must give one month's local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*

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
 - 1.1.2 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

The Budget Review is a mandatory compliance item under the Local Government Act 1995. If a Budget Review is not completed and accepted by Council within specified timeframes Council will be in legislative breach of the Act.

FINANCIAL IMPLICATIONS

If the budget review is accepted by Council it is expected that Council will bring forward a surplus of approximately \$140,000 into the 2018/2019 year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/132

MOVED: Cr Dean Hatwell
THAT Council

SECONDED: Cr Biddy Schill

1. **Accept the Budget Review as at the 31st January 2018 as set out;**
2. **Authorise additional capital expenditure as follows:**

New Capital Expenditure		
Kiln (partly funded)	New	\$ 10,000
Rec Centre Mural	New	\$ 10,000
Staff Housing – moved from reserve	Increase	\$ 80,000
Marble Bar Public Toilet	New	\$120,000
Nullagine Public Toilet	New	\$120,000
Donga transport to Nullagine Depot	New	\$ 50,000
Cape Keraudren Residence	Additional	\$ 50,000
TOTAL ADDITIONAL CAPITAL EXPENDITURE		

3. **Authorise additional transfers to reserves as follow:**

Additional Reserve Transfers		
Recreation Facilities Maintenance	Transfer In	\$1,000,000

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0

To be actioned by Ms Lisa Davis, Manager Corporate Services

9.2.5 COMMUNITY ASSISTANCE GRANTS - ROUND TWO 2017/18

Attachments	<u>Confidential Under Separate Cover</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Danielle Airtton Coordinator Community Wellbeing
Proposed Meeting Date:	09 March 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

An Interest was declared by Cr Craig Hoyer for Item No. 9.2.5

Nature of Interest: Direct

Extent of Interest: Committee Member of the Veterans Football Club

10:45 AM Cr Craig Hoyer left Chambers.

An Interest was declared by Cr Carol Williams for Item No. 9.2.5

Nature of Interest: Direct

Extent of Interest: Board Member of Kanyirninpa Jukurrpa

10:45 AM Cr Carol Williams left Chambers.

An Interest was declared by Cr Anthony Middleton for Item No. 9.2.5

Nature of Interest: Direct

Extent of Interest: Committee Member of the Lions WA Club Newman

10:45 AM Cr Anthony Middleton left Chambers.

REPORT PURPOSE

For Council to consider and make decisions on the Community Assistance Grant funding applications for Round 2 of the 2017/2018 financial year.

BACKGROUND

The Shire of East Pilbara's Community Assistance Grants and Sponsorships are designed to promote community development and wellbeing within the East Pilbara local government area.

Grants are available for not-for-profit organisations involved in arts, culture, sports, recreation and social services. Limited support is also available to local educational institutions. Applicants must fit one of the following categories:

1. A not-for-profit community organisation providing a community service within the East Pilbara region where there is a demonstrated community need or benefit;
2. An educational institution in the East Pilbara (for award presentations only);
3. A sporting association to assist with club development (eg. Coaching courses, governance training and or grant writing courses); or

4. An organisation involved in cultural development within the East Pilbara.

Applications for the Community Assistance Grant Number Three (3) can be made by clubs and community groups twice per year. Round One (1) opens on the 1st of July and closes on the 31st July and applications are assessed at the next scheduled Council Meeting. Round Two (2) opens on January 1st and closes on January 31st and applications are assessed at the next scheduled Council Meeting. Each application is eligible for a grant of up to \$6,000 in cash or in-kind contributions.

COMMENTS/OPTIONS/DISCUSSIONS

This round, the Shire received four (4) applications from community organisations and sporting clubs based in the East Pilbara. All four (4) applications met the Shire's Community Assistance Grants eligibility criteria. Details are as follows:

Applicant Organisation	Met Criteria (Yes/No)	Amount Sought	Comment/Description
Kanyirninpa Jukurrpa (KJ)	Yes	\$6,000.00	Cash contribution towards language program 'Building Martu Wellbeing through Pride in Language'
Lions Club of Newman Inc.	Yes	\$6,000.00	Cash contribution towards Stage 2 of upgrade to Animal Park and Playground
Newman Vets Football Club	Yes	\$6,000.00	Cash and in-kind contributions towards the 2018 Newman Vets Celebrity Match
Newman Day Care Centre Inc.	Yes	\$3,733.40	Cash contribution towards a new printer/photocopier for the centre
TOTAL		\$21,733.40	

A summary of each application follows:

Name of organisation	Kanyirninpa Jukurrpa (KJ)			
Activity the organisation is seeking funding for	Building Martu Wellbeing through Pride in Language			
Funding Details	Amount Requested	Total Budget		
	\$6000	\$45,000		
Type of fund request	In kind	<input type="checkbox"/>	Cash	<input checked="" type="checkbox"/>
Funding sought from other organisations	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
If other funding is sought, amount funded from other organisation	\$ 24,000			
Previous funding from Shire of East Pilbara	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
If yes, amount received and funded years	2013 - \$4,838			
Funds Acquitted	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit			
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only			
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).			
<input checked="" type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara			
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the applicant registered for GST - YES			
Description and purpose of grant	The objective of the project is to capitalise on the early success of KJ's language program by providing wages for the employment of Martu women to work alongside a non-Martu language worker. The project will work with 10 Martu women who want to keep their language strong. The existing language program has already engendered great enthusiasm and participation and this project will support an expansion of activities in the East Pilbara.			

Target group of project outcome	The Martu community within the Shire of East Pilbara. The project particularly aimed at supporting the aspirations of Martu Women as the female officer employed will enable culturally appropriate practice.
Benefit to East Pilbara Community	To build on the success of KJ's language program and support the continued provision of language support to local service providers. Through this project Martu can build self-confidence and take pride in their language, country and culture.
Acknowledgement of SOEP	Article in KJ's quarterly Newsletter Acknowledgement and Shire logo in KJ's Annual Report

Name of organisation	Lions Club of Newman Inc.			
Activity the organisation is seeking funding for	Upgrade to Animal Park			
Funding Details	Amount Requested	Total Budget		
	\$6000	\$12,000		
Type of fund request	In kind	<input type="checkbox"/>	Cash	<input checked="" type="checkbox"/>
Funding sought from other organisations	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
If other funding is sought, amount funded from other organisation	\$			
Previous funding from Shire of East Pilbara	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
If yes, amount received and funded years	2015 - \$1000 2014 - \$5000			
Funds Acquitted	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit			
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only			
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).			
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the applicant registered for GST – NOT REGISTERED FOR GST			
Description and purpose of grant	<p>The purpose of the funding would be to commence Stage 2 of the upgrades to the animal park. The first Stage was funded by the Shire in 2014/2015.</p> <p>The upgrades to the park are an on-going project to help beautify the park and playground so that families and children in the community can have a safe and interactive space to enjoy.</p>			
Target group of project outcome	All residents of Newman however in particular families with small children.			

Benefit to East Pilbara Community	A free community playground and animal park for all residents to enjoy. Interaction with the animals for children is a great experience given the remote location of Newman and also provides a sensory and educational experience for children as they learn about the animals and interact with them.
Acknowledgement of SOEP	The Shire logo will be displayed on the sign located at the front of the Animal park.

Name of organisation	Newman Vets Football Club				
Activity the organisation is seeking funding for	Newman Vets Celebrity Match				
Funding Details	Amount Requested			Total Budget	
	\$6000			\$45,000	
Type of fund request	In kind	<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	
Funding sought from other organisations	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If other funding is sought, amount funded from other organisation	\$ 27,500				
Previous funding from Shire of East Pilbara	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
If yes, amount received and funded years	2017 \$6000				
Funds Acquitted	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the applicant registered for GST – NOT REGISTERED FOR GST				

Description and purpose of grant	<p>The funding will contribute to the delivery of the 10th annual Newman Vets Celebrity Match. The club partners with Newman National Football League, Newman Junior Football Council and V Swans Football Club and is a fundraising event for local charities and not for profit organisations.</p> <p>The event includes bringing celebrity sportsman to be a part of the weekend's activities, including mentoring sessions, autograph sessions, community engagement opportunities, skills and qualification sessions, as well as the junior and senior football games.</p> <p>Linking with the three local schools and engaging with local businesses the event will deliver a weekend of physical and social engagement whilst celebrating the positive aspects of living in a regional community.</p>
Target group of project outcome	<p>All members of the Newman community – including approximately:</p> <ul style="list-style-type: none">• 150 Male and Female Youth;• 150 Male and Female Children;• Spectators and participants across the weekend - 2000
Benefit to East Pilbara Community	<p>The community will benefit from attending the free and inclusive event which has become a staple in the Newman Event calendar; local charities and not for profit organisations will receive fundraising; local schools will be engaged and benefit from mentoring and meeting celebrities and businesses will be engaged and included in the event planning and delivery.</p>
Acknowledgement of SOEP	<p>The Shire Logo will be included on all attire including playing guernsey, social media and other all other marketing collateral. Verbal acknowledgement will also be provided at the events.</p>

Name of organisation	Newman Day Care Centre Inc.				
Activity the organisation is seeking funding for	New Printer/Photocopier				
Funding Details	Amount Requested			Total Budget	
	\$3733.40			\$7466.80	
Type of fund request	In kind	<input type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	
Funding sought from other organisations	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	
If other funding is sought, amount funded from other organisation	\$				
Previous funding from Shire of East Pilbara	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	
If yes, amount received and funded years					
Funds Acquitted	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	Comments: N/A
Outstanding Shire Debts	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Comments:
Does Application meet funding criteria?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit				
<input type="checkbox"/>	Educational institutions in the East Pilbara for award presentations only				
<input type="checkbox"/>	Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).				
<input type="checkbox"/>	Organisations involved in cultural development within the Shire of East Pilbara				
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the applicant registered for GST - YES				
Description and purpose of grant	The funding will be used towards purchasing a new printer/photocopier for the office. The printer/photocopier is used by all educators for the benefit of the children who are being cared for.				
Target group of project outcome	All children who attend the day care centre.				
Benefit to East Pilbara Community	To support and provide a required resource to one of only two day care centres in the area.				

Acknowledgement of SOEP	The Shire will be thanked via Newman Day Cares Facebook page and a proudly funded by Shire of East Pilbara sign will be placed on the photocopier.
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The overall Community Assistance Grant budget for 2017/18 is \$55,200. Approximately \$10,000 of the total amount needs to be set aside for the smaller Grant 1 and Grant 2 programs that are open year-round and approved by the CEO under delegated authority. The balance of \$45,200 then needs to be halved, to accommodate the two Grant 3 rounds approved by the full Council. This means there is approximately \$22,000 for each of the two rounds.

The total amount funded for Round 1 of the 2017/2018 financial year was \$10,504.21.

With four (4) months until the end of the 2017/2018 financial year there is a balance of \$40,056.05 available within the Community Assistance Grant budget.

The total amount sought for Round 2 of the 2017/18 financial year is \$21,733.40 meaning the full \$21,733.40 applied for can be afforded given the underspend on Round 1, the current funds available in the budget and the forecasted spend for the smaller Grant 1 and Grant 2 programs for the rest of this financial year.

Each of the Round 2 applications have been individually assessed against the eligibility criteria to assist the decision making process.

Based on the applicants' submissions and with reference to the Community Assistance Grant policy and guidelines, Kanyirninpa Jukurrpa (KJ), the Lions Club of Newman Inc., Newman Vets Football Club and Newman Day Care Centre Inc. applications are recommended to be funded in full.

It is also noted that there are no outstanding debts listed against any of the organisations who have applied for this round of Community Assistance Grant 3.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.4.1 Promote diverse, harmonious and caring communities
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-3 years
- 2.4.2 Build strong community groups, networks and governance
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-5 years

- 2.4.3 Provide relevant and affordable community services
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-5 years
- 2.4.4 Equity and opportunities for all
Partnering With: Federal Government, State Government, Industry, NGO's and Indigenous groups
Responsible officer: MCW
Timing: 1-3 years
- 2.2.1 Encourage high quality education and diverse skills development
Partnering With: State Government, Industry
Responsible officer: MCW
Timing: 1-5 years

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

- 2.1 Health and recreation
 - 2.1.1 Promote safe and healthy communities
Partnering With: NGO's, State Government
Responsible officer: MCW
Timing: 1-3 years
 - 2.1.2 Encourage active lifestyles
Partnering With: State Government, Industry
Responsible officer: MCW
Timing: 1-3 years
 - 2.1.3 Encourage high rates of participation in community activities and events
Partnering With: Industry
Responsible officer: MCW
Timing: 1 year

RISK MANAGEMENT CONSIDERATIONS

Low reputational risk.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/133

MOVED: Cr Gerry Parsons

SECONDED: Cr Jeton Ahmed

THAT Council

1. THAT Council approve the Community Assistance Grant application for Kanyirninpa Jukurrpa (KJ) for a cash contribution of \$6,000 for the language program 'Building Martu Wellbeing through Pride in Language'.
2. THAT Council approve the Community Assistance Grant application for the Lions Club of Newman for a cash contribution of \$6,000 for the Stage 2 upgrade to the Animal Park and Playground.
3. THAT Council approve the Community Assistance Grant application for Newman Vets Football Club for a cash and in-kind contribution of \$6,000 as a contribution to the 2018 Newman Vets Celebrity Football Match.
4. THAT Council approve the Community Assistance Grant application for Newman Day Care Centre Inc. for a cash contribution of \$3,733.40 for a new printer/photocopier for the centre.

CARRIED
RECORD OF VOTE: 6 - 0

To be actioned by Mrs Danielle Airton, Coordinator Community Wellbeing

9.2.6 AWARD OF RFT03-2017/18 ART MATERIALS MARTUMILI

Attachments: [Confidential Under Separate Cover](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Carly Day
Manager Martumili Artists

Proposed Meeting Date: 09 March 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

10:50 AM Cr Craig Hoyer returned to the Chambers

10:50 AM Cr Anthony Middleton returned to the Chambers

REPORT PURPOSE

For council to consider the tender for the supply of high quality art materials to Martumili Artists 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

Martumili artists buy an ongoing supply of art materials for the production of artwork

The tender scope of works includes:

- Supply Matisse range structure acrylic Paints, Mediums, Varnishes and Gesso to Martumili artists
- Supply rolls of high quality cotton and linen
- Supply large quantities of Double coated hand primed Cotton and Linen with a range of Back Ground Colours
- Supply support, timber and parts for a bele-arti Machine
- Supply Bele-arti Pre-primed box canvases in a range of sizes
- Supply standard sized mitred PQ and Bumpa stretcher bars for priming
- Supply a range of brushes
- Supply large rolls of bubble wrap with foam backing for artworks
- Supply artist quality paper
- Supply artist quality Gauche and oil paints

COMMENTS/OPTIONS/DISCUSSIONS

The Tender was advertised in the West Australian newspaper on the 27th of January, 2018, the shire Tenderlink Portal, the Shire website and Shire noticeboards.

The closing deadline for the tender was 10.00am, Friday the 16th February, 2018

At the close of the tender there was one (1) compliant tender as follows:

Tenderer
Chapman & Bailey

There was no non-compliant tenders received

The Documentation outlined the qualitative selection criteria with the associated weightings for the evaluation of the tender submission as follows

Relevant Experience	Weighting 20%
Delivery	Weighting 10%
Range of Product	Weighting 10%
Price consideration	Weighting 60%

A confidential Recommendation Report under separate cover is submitted to council which contains the evaluation panel's finding in relation to each tender submission and the justification for the Recommended Tenderer.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995 and Local Government (Functions and General Regulations) 1996 tender regulations.

Part 3 - Functions of local governments (Division 2 - Legislative functions of local governments) (Subdivision 2 - Local laws made under any Act) 3.14. Commencement of local laws (pg 46)

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No:

Date: 9th March 2018

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.3 Art, culture and youth

2.3.3 Foster artistic and creative expression

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

Responsible officer: DCEO

Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Not getting materials means that Martumili's main business of painting will come to an end

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/134

**MOVED: Cr Gerry Parsons
THAT Council**

SECONDED: Cr Biddy Schill

- 1. Award tender RFT 03-2017/18 for the supply of quality art materials to Chapman & Bailey**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the subsequent contract between Chapman & Bailey and the Shire of East Pilbara with respect to this Tender.**

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

To be actioned by Ms Carly Day, Manager Martumili Artists

**9.2.7 MARTU CHRISTIAN FELLOWSHIP LEASE FOR RESERVE 48297 & 48298,
26-28 COWRA DRIVE, NEWMAN**

File Ref: A435510
Attachments: [Request for new lease MCF .pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Proposed Meeting Date: 09 March 2018
Location/Address: Lot 26 - 28 Cowra Drive, Newman
Name of Applicant: Martu Christian Fellowship Inc
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into a new lease agreement between the Shire of East Pilbara and the Martu Christian Fellowship Inc for Reserve 48927 and 48298, Cowra Drive, Newman.

BACKGROUND

The Shire at its ordinary meeting on the 5 May 2006, resolved to enter into a lease agreement for Reserve 48298, Cowra Drive Newman with the Martu Christian Fellowship Inc. The agreement was 10 years with an Option Term of 10 years.

Recently, Martu Christian Fellowship Inc. sought approval by Council to enter into a Deed of Variation to its existing lease agreement to include Reserve 48927, which is the vacant land to the rear of the existing farm.

Upon execution of the documentation, the lease was forwarded to Council's solicitors to obtain Minister Approval where it was discovered that the original lease was not approved or executed by the Minister for Lands, as per the requirements of the Lands Administration Act.

COMMENTS/OPTIONS/DISCUSSIONS

Shire staff sort retrospective approval for the original lease agreement which was declined by the Minister for Land. Council's solicitors advised that a new lease agreement would need to be entered into.

The proposed new lease will have the same terms and conditions as the original agreement with exception of the following changes:

- Term 10 years,
 - Option Term 10 years,
 - Commencement Date 1st January 2018
-

STATUTORY IMPLICATIONS/REQUIREMENTS

Compliance with the Land Administration Act

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

Strategic Community Plan

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

- 2.1.1 Promote safe and healthy communities**
Partnering With: NGO's, State Government
Responsible officer: MCW
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

Currently the Shire is non-complaint with Section 18 (1) of the Land Administration Act rendering the existing agreement questionable in its legality.

There is an element of reputational risk from the community and the Department of Lands that Council is operating lease agreements with no formal approval of the Minister.

FINANCIAL IMPLICATIONS

The cost for the creation and execution of the lease documents will be approximately \$1500.00 and within the adopted budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/135

MOVED: Cr Gerry Parsons

SECONDED: Cr Anthony Middleton

THAT Council

- 1. Approve entering into a lease agreement with Martu Christian Fellowship Inc for Reserve 48927 and Reserve 48298, Cowra Drive Newman commencing from 1 January 2018 for 10 years with an Option Term of 10 years**
- 2. Approve the proposed lease to be sent to the Minister of Lands for approval**
- 3. Approve the Chief Executive Officer to apply the common seal to the agreement between the Shire of East Pilbara and Martu Christian Fellowship Inc, subject to ministerial approval.**

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

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

**9.2.8 NEWMAN VETS INC - AFFIX COMMON SEAL TO THE LEASE
AGREEMENT FOR CLUBROOMS AT CAPRICORN OVAL, LOT 995,
RESERVE 409370**

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Proposed Meeting Date: 09 March 2018

Location/Address: Lot 995 Thulluna - Capricorn Oval Complex

Name of Applicant: Newman Vets Inc

Author Disclosure of Interest: Nil

An Interest was declared by Cr Craig Hoyer for Item No. 8

Nature of Interest: Direct

Extent of Interest: Committee Member of the Veterans Football Club

11:00 AM Cr Craig Hoyer left Chambers.

REPORT PURPOSE

To seek Council approval to enter into a lease agreement between the Shire of East Pilbara and Newman Vets Inc and to apply the Shire of East Pilbara common seal to the lease documentation.

BACKGROUND

The Shire of East Pilbara has received a request from the Newman Vets Inc to lease the old Tennis Clubrooms located at Capricorn Oval Complex, which have been defunct since 2016.

The Newman Vets Inc predominately uses the Goanna Oval for scheduled football games which is adjacent to the old tennis clubrooms. Currently the Newman Vets do not have any club facilities that include storage, kitchen and toilet facilities for their seasonal fixtures or off season. The Newman Vets Inc has been utilising Newman National Football League local club venues to date.

COMMENTS/OPTIONS/DISCUSSIONS

Shire staff had a site meeting with the President of the Newman Vets Inc where the following conditions would apply;

Lease term 5 years with a 5 year option

Annual Service Fee The Shire of East Pilbara charges \$550.00 per year for leasing; this is part of the Shire of East Pilbara Fees and Charges and is reviewed annually.

Commencement Date	1 April 2018
Insurance	<p>Providing the Shire of East Pilbara with current insurance documentation and committee details throughout the agreement.</p> <p>Building insurance will be in the Shire of East Pilbara name and the premium will be on charged to lessee annually</p>
Outgoings	Lessee is responsible for all outgoings, including water and power consumption, ESL, insurances, communication services etc
Utility Charges	Meter readings will be read on a bi-monthly schedule by the Shire of East Pilbara and on charged to the lessee
General Maintenance	Lessee will be responsible for the general maintenance
Minister approval	Approval by the Minister for Lands is required under the Management Order, prior to any lease agreement being entered into.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

- 2.1.3 Encourage high rates of participation in community activities and events**
 - Partnering With: Industry
 - Responsible officer: MCW
 - Timing: 1 year

RISK MANAGEMENT CONSIDERATIONS

This proposal presents minimal risk to Council.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/136

**MOVED: Cr Dean Hatwell
THAT Council**

SECONDED: Cr Gerry Parsons

- 1. Approve entering into a lease agreement with Newman Vets Inc for the old tennis clubrooms at Lot 995, Capricorn Oval Complex,**
- 2. Approve the proposed lease to be sent to the Minister of Lands for approval,**
- 3. Approve the Chief Executive Officer to apply the common seal to the agreement between the Shire of East Pilbara and the Newman Vets Inc and Shire of East Pilbara, subject to ministerial approval.**

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

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

9.2.9 RATES EXEMPTION - FREE MASONS CAPRICORN LODGE

File Ref: A404113/FIN-22-1

Attachments: [LG Act 1995](#)
[Freemasons Capricorn Lodge Application for Rates Exemption pdf](#)
[Freemasons Capricorn Lodge Financials pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Joanna Eades
Rates Revenue Officer

Proposed Meeting Date: 09 March 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:02 AM Cr Craig Hoyer returned to the Chambers.

REPORT PURPOSE

That Council consider the application for rates exemption by Freemasons Capricorn Lodge.

BACKGROUND

Freemasons Capricorn Lodge submitted an application for rates exemption under section 6.26(2)(g) of the Local Government Act 1995.

Freemasons Western Australia fall under two constitutions, "Grand Lodge of Western Australia Freemasons Homes for the Aged Incorporated" and "The Grand Lodge of Western Australia of Antient Free and Accepted Masons Incorporated". As per 6.03 of the Grand Lodge of Western Australian Freemasons Homes for the Aged Incorporated "*There shall not be any fees for membership of the Association*". In this case the Freemasons Capricorn Lodge charge membership fees therefore the application needs to be considered under the constitution of "The Grand Lodge of Western Australia of Antient Free and Accepted Masons Incorporated

As per the above constitution section

- 3.1 (a) *The objects of Grand Lodge are to pursue the aims of Freemasonry being: (iii) to practise public charity and philanthropy,*
- 3.1 (c) *to provide aid, help, relief, support, assistance, charity and benevolence, whether financial or otherwise, to any person, Lodge, Association, Institution or Organisation in need, whether associated with Freemasonry or not.*
- 6 – *Non-Profit, Grand Lodge shall not carry on any activity for the purposes of profit or gain to an individual Member or Members of Grand Lodge*

COMMENTS/OPTIONS/DISCUSSIONS

As per the application the Freemasons Capricorn Lodge have applied for an Exemption to Rates under section 2.26 (g) *land used exclusively for charitable purposes*.

As per their financials from 1st July 2016 to 30th June 2017 their total expenditure was \$21,321.56, of this \$1,702.50 was spend of Charitable purposes. This is 8% of their total expenditure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995 Section 6.26 Rateable Land

(1) Except as provided in this section all land within a district is rateable land

(2) The following land is not rateable land

(a)

(g) land used exclusively for charitable purposes

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

RISK MANAGEMENT CONSIDERATIONS

Low Reputational Risk.

FINANCIAL IMPLICATIONS

The value of the exemption would be \$1,028.46 for the 2017/2018 financial year and an approximate CPI of 3% for each financial year thereafter.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/137

MOVED: Cr Gerry Parsons

SECONDED: Cr Jeton Ahmedi

THAT Council do not approve a rates exemption for Freemasons Capricorn Lodge.

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mrs Joanna Eades, Rates Revenue Officer

9.2.10 MONTHLY FINANCIAL REPORT - DECEMBER 2017

Attachments: [December 2017 Financial Report.pdf](#)
[December 2017 Variance Report.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Noelene Holmes
Coordinator Financial Services

Proposed Meeting Date: 09 March 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:04 AM Cr Carol Williams returned to the Chambers

11:05 AM Cr Gerry Parsons left the Chambers

11:06 AM Cr Gerry Parsons returned to the Chambers

REPORT PURPOSE

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

BACKGROUND

The attached 11-page report details the financial activities of the Council for the period 1st July 2017 to 31st December 2017 of the 2017/2018 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS

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/COUNCIL RESOLUTION: 201718/138

MOVED: Cr Dean Hatwell

SECONDED: Cr Jeton Ahmedi

THAT the monthly financial statements for the period 1st July 2017 to 31st December 2017 of the 2017/2018 financial year as presented be received.

CARRIED

RECORD OF VOTE: 9 - 0

To be actioned by Mrs Noelene Holmes, Coordinator Financial Services

9.2.11 MONTHLY FINANCIAL REPORT - JANUARY 2018

Attachments:	January 2018 Financial Report.pdf January 2018 Variance Report.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Noelene Holmes Coordinator Financial Services
Proposed Meeting Date:	09 March 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 11-page report details the financial activities of the Council for the period 1st July 2017 to 31st January 2018 of the 2017/2018 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS

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/COUNCIL RESOLUTION: 201718/139

MOVED: Cr Anthony Middleton

SECONDED: Cr Craig Hoyer

THAT the monthly financial statements for the period 1st July 2017 to 31st January 2018 of the 2017/2018 financial year as presented be received.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mrs Noelene Holmes, Coordinator Financial Services

9.2.12 CREDITORS FOR PAYMENT

File Ref: FIN10-2

Attachments: [Schedule of Accounts EFT.pdf](#)
[Schedule of Accounts CHQ.pdf](#)
[Schedule of Accounts Directs.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Memory Mandaza
Expenditure Finance Officer

Proposed Meeting Date: 09 March 2018

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 02 February 2018.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT# 42116 - # 42523	2,466,335.08
	Total	\$2,466,335.08
Cheque Payments	CHQ# 24464 - # 24500	52,768.63
Direct Debits	DD11392.2 – DD11483.9	102,116.91
Manual Cheques	-	0
	Total	\$154,885.54
	GRAND TOTAL	<u>\$2,621,220.62</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

EFT# 42127, 42229, 42430 & 42451

CHQ# 24490

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 \$2,621,220.62

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/140

MOVED: Cr Gerry Parsons

SECONDED: Cr Biddy Schill

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT# 42116 - # 42523	2,466,335.08
	Total	\$2,466,335.08
Cheque Payments	CHQ# 24464 - # 24500	52,768.63
Direct Debits	DD11392.2 – DD11483.9	102,116.91
Manual Cheques	-	0
	Total	\$154,885.54
	GRAND TOTAL	<u>\$2,621,220.62</u>

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Ms Memory Mandaza, Expenditure Finance Officer

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISIONS - FEBRUARY 2018**

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: 09 March 2018
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 in 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/COUNCIL RESOLUTION: 201718/141

MOVED: Cr Dean Hatwell

SECONDED: Cr Anthony Middleton

THAT the Director Technical and Development Services “Status of Council Decisions” Report for the month of February 2018 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATE D COMPLETION DATE	COMMENTS
28 Jul 2017	11.2. 1	DESERT ROAD MASTER PLAN Project Implementation - Cr Lang Coppin	MDS-P	Refer to Information Bulletin Letters seeking support funding has been sent to various mining companies and awaiting responses.	Ongoing	
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter	MDS-P	Refer to Information Bulletin Funding in budget to prepare RFQ to carry out detailed design and costings	Jun 2018	
28 th 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 WSPG	Design and costings have been Discussed with BHP and they will now consider as part of their budget deliberations.	Complete	
9 December 2016	13.5	SIGNAGE REGARDING NEWMAN TOWN Cr Lynne Craigie asked if it is possible for signs to be erected on Great Northern Highway to advise of what services are available in Newman.	MDS-P DTDS	NCCI would like an information business sign installed at the main town entry information bay on Kalgan Drive. Shire to draft up concept design and costings. Further discussions required on how to fund.	Jun 2018	

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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATE D COMPLETION DATE	COMMENTS
28 July 2017	13.3	SIGNAGE NULLAGINE Cr Biddy Schill asked regarding the signage policy as there is a sign at the front entrance of the triangle park and is very distracting, does it require permission by the Shire?	MDSP	Following further discussions the applicant will contact MRWA to discuss standard tourist signage to be installed further out of town.	Complete	
2 February 2018	13.1	HEALTH INSPECTOR Cr Biddy Schill asked what powers the Health inspector has regarding selling food after the expired date. Mr Rick Miller, Director Technical and Development Services to follow up with the Manager Development Services – Health.	MDS-H	These are difficult cases to prove as a “best by” date is not a “breaching” law and you have to prove the product is contaminated at time of sale and unfit for human consumption. This requires the product to be obtained and tested in a laboratory. This action which, may result in court, is time consuming and costly, therefore a formal written complaint is required to action and provide feedback. A formal complaint has since been received and in conjunction with this complaint, officers have inspected the site several times and noted no products on sale after the “best before” date. Officers did talk the shopkeeper and provided general advice on food safety and hygiene. Under normal Health Dep surveillance guidelines this location is deemed a low risk and requires only an annual inspection. However officers typical attend and inspect site about 3 times per year and will continue to monitor.	Complete	
2 February 2018	13.2	NULLAGINE STAFF Cr Biddy Schill asked about staffing over the Christmas period with only one person was on duty out of three. Mr Rick Miller, Director Technical and Development Services to follow up	MTSR	As this is an operational matter the Manager ensures there are adequate resources and backup during periods when staff are sick or on leave. This is also the case in this instance. It has been standard practise to only have one staff member on duty during the Christmas period (2 in Marble Bar). A comprehensive jobs and	Complete	

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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATE D COMPLETION DATE	COMMENTS
				contacts list is provided and Marble Bar staff did attend to check and provide assistance as needed. Previously it has been Dippy. Annie the new maintenance worker is very capable and has been given contacts and a list of daily tasks to complete. Annie also has the assistance of the local police and Joe Zabela for mechanical issues or if other assistance was required. To my knowledge Annie had no issues with working alone.		
2 February 2018	13.3	CARDBOARD COLLECTION WOOLWORTHS Cr Anita Grace advised the Woolworths flat and packed their cardboard for recycling back to Perth. Can the Shire be involved with this? Mr Rick Miller, Director Technical and Development Services to following up.	MTSH	1. We will assess this in regards to the new Waste Services Contract. 2. We will also contact Woolworths/Contractor to get more detailed information on their arrangement in regards to the cardboard recycling.	Apr 2018	Still being investigated.
2 February 2018	13.4	CROSSWALK LEE LANE Cr Gerry Parsons asked regarding the crosswalk on Lee Lane and the negative comments from the public. Mr Rick Miller, Director Technical and Development Services to look at current situation and possible alternatives.	DTDS	Under assessment and investigation	Complete	Assessed facebook comments and they are typical for a new infrastructure installed. No further comments in last month. Will monitor. Priority is consistent with other informal crossings in town. Will leave and continue to monitor.
2 February 2018	13.7	MARBLE BAR PARKING AREA FOR TRUCKS & RIGS Cr Michael Kitchin asked if Council would investigate supplying a parking area for trucks and rigs on the Marble Bar / Limestone Road to get ahead of the game. Mr Rick Miller, Director Technical and Development Services	DTDS	Under assessment and investigation	Complete	Initial comments from MRWA is that a break down area can be quite large and not really warranted for this size of road train operation. Therefore while a nice idea will be further pursued. Close enough to existing facilities not to have another.


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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATE D COMPLETION DATE	COMMENTS
		responded there has been no request for this and normally it would be Main Road who supplies truck bays. Mr Rick Miller, however, will follow up.				
2 February 2018	13.9	<p>CUT OUTS FOR DRAINS</p> <p>Cr Anthony Middleton asked when the bitumen will be reinstated on the cut outs on the roads for works installing new drains around Newman.</p> <p>Mr Rick Miller, Director Technical and Development Services, responded that road base will be temporary installed until the road is resealed as part of the current resealing program.</p>	MTSN	These are being monitored and topped up once a week as needed. We expect the cutouts to be permanently repaired in April/May along with other programmed road sealing works.	Complete	
2 February 2018	13.10	<p>RUMBLE STRIPS</p> <p>Cr Anthony Middleton asked if rumble strips could be installed because of the new speed limit on the Great Northern Highway.</p> <p>Mr Rick Miller, Director Technical and Development Services, stated that this is a Main Roads responsibility, Mr Rick Miller, however, will follow up.</p>	DTDS	Advice and request has been forwarded to MRWA	Complete	MRWA have logged an internal request to have rumble strips installed. Timing will depend on when they have a thermoplastic contractor in the area.
2 February 2018	13.11	<p>WEIGHBRIDGE NEWMAN</p> <p>Cr Jeton Ahmedi asked when the weighbridge would be operational.</p> <p>Mr Rick Miller, Director Technical and Development Services, said that the new contract currently being issued includes the provision of this service.</p>	DTDS	Officers are currently working on finalising the admin side of this and working with new contractors with operations expected to commence about the end of March 2018.	Complete	

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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATE D COMPLETION DATE	COMMENTS
2 February 2018	13.12	<p>NOTICEBOARD OUTSIDE POST OFFICE Cr Jeton Ahmedi asked if this should be relocated to a more accessible area.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>	DTDS	<p>The existing noticeboard will be relocated in the town square next to the seat wall opposite the Pop Up shops. An order has been issued & expect it to be moved by end March</p> 	Complete	
2 February 2018	13.13	<p>SEWAGE PIT ON NEWMAN DRIVE Cr Jeton Ahmedi asked for the sewage pit could be assessed as currently it is considerably lower than the road and is situated on the bend in the road.</p> <p>Mr Rick Miller, Director Technical and Development Services advised pit is owned by Water Corporation and generally expensive to alter. Will follow up with Water Corporation</p>	DTDS	<p>Shire to carry out pothole repair and has forwarded a complaint to Water Corporation request they address the subsiding lids and the pit lid being lower than the road.</p>	Complete	<p>Issue has been brought to attention of Water Corp about the depression and raising of lids. Will be investigate Water Corp Operations Manager. RM will advise outcome when received from Water Corp.</p>
2 February 2018	13.14	<p>TREES BLOCKING LIGHTS Cr Hoyer asked if the trees on Capricorn Oval could be trimmed to allow the lights to work more effectively and the dead tree removed/pruned.</p> <p>Mr Rick Miller, Director Technical and Development Services to follow up.</p>	DTDS CPG	<p>A site meet was held and the works complete</p>	Complete	
2 February 2018	13.15	<p>WOOLWORTHS CAR PARK CURBING Cr Lynne Craigie said she had received a complaint regarding the tight corner coming into</p>	DTDS	<p>The main entry off Iron Ore Parade was inspected and works to remove the tight corner will be completed with other scheduled roadworks in April.</p>	Complete	

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

9 MARCH, 2018

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	OFFICER	ACTION TAKEN/ STATUS	ESTIMATE D COMPLETION DATE	COMMENTS
		the Woolworths carpark and the damage it was doing to tyres. Mr Rick Miller Director Technical and Development Services requested more specific details and location of kerb and will then investigate options.				
2 February 2018	13.16	NEWMAN TOWN SQUARE Cr Lynne Craigie said people would like to use the Square but have been told that they cannot put chairs on the grassed area. Mr Rick Miller, Director Technical and Development Services will follow up.	DTDS CPG	This will be discussed with PETS team to provide clarity and consistency in advice provided to customers.	Complete	Technical Services will prepare a checklist /warrant on requirements and conditions to allow use of tables and chairs on grassed area. It will ensure protection of reticulation and allow more flexibility for events.

**CARRIED
RECORD OF VOTE: 9 - 0**

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

**9.3.2 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD OR REJECT
TENDERS FOR PERIOD TO 13 APRIL 2018 - RF10 201718**

File Ref: LEG-13-7-2
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Bhavesh Modi
Manager Technical Services - Newman
Proposed Meeting Date: 09 March 2018
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider delegating authority to the CEO to award or reject subject tenders for the period up to the next Council meeting to be held on 13 April 2018. This is to assist in the efficient and timely delivery of the annual works program and continue ongoing maintenance of infrastructure.

For Council to approve the Common Seal to be affixed under delegated authority to the CEO for the contract between the Shire of East Pilbara and the successful tenderer/s.

BACKGROUND

The current adopted proposed works was advertised on the 24 February 2018 as tender RFT 10-2017/18 Pavement, Asphalt and Bitumen Spray Seal Works Newman and closes on the 19 March 2018.

This project is part of the SOEP 3-Year Plan for Newman Infrastructure Renewal and Preservation 2015/2018 and will include up to nine streets for pavement profiling and asphalt works and up to thirteen streets for bitumen spray seal works. Earlier this year phase 1 was constructed which involved new drainage lines for four streets in Newman. Hence, in addition to the specified twenty two streets, these four streets are also included for pavement profiling and asphalt works to complete entire drainage project with completion of required reinstatement works.

All projects were included in the adopted 2017/18 budget, with individual streets currently being listed on R2R grant funding portal.

On the 30 January 2018 the shire received advice from Roads to Recovery (R2R) that a review of their records indicated that the shire had \$131,546 of this years allocation not allocated. They advised that it needed to be allocated before the shire submitted their ¼ly report due on the 31 January 2018. After reviewing existing projects and noting the tight timelines for report submissions, officers added the funds to existing project(GL129610) to increase number of streets to be treated.

The below tabled budget and expenditures illustrates the Newman based R2R funded both projects' status for the current FY 2017-18, including recent increase in the R2R funding;

Item	Project Description /GL	Total Budget R2R- Adopted	Total Budget Extra Allocation	RFT 04-2017/18 Drainage Works Newman (Spent)	Other Prelim Costs (Spent)	Budget for RFT10-2017/18 (balance)
1	129610 - Newman Town Street Reseals-Muns Additional (R2R)-	\$900,000	\$527,546	\$0	0	\$527,546
2	129617- Drainage Works, including concrete and asphalt reinstatement- Mindarra Dr West (Part 2)	\$620,000	\$985,000	\$778,812	\$44,955	\$161,233
3	129627- Drainage Works, including concrete and asphalt reinstatement- Nyabalee Rd and O'Flaherty Street.	\$320,000	\$459,000	\$430,000	\$23,453	\$5,547
	TOTALS	\$1,840,000	\$1,971,546	\$1,208,812	\$68,408	\$694,326

In summary, RFT 10-2017/18- Pavement, Asphalt and Bitumen Spray Seal Works Newman would have the R2R funded budget as listed in the table below;

GL	Description	Budget Available
129610	Newman Town Street Reseals-Muns Additional (R2R)-	\$527,546
129617	Drainage Works, including concrete and asphalt reinstatement- Mindarra Dr West (Part 2).	\$161,233
129627	Drainage Works, including concrete and asphalt reinstatement- Nyabalee Rd and O'Flaherty Street.	\$5,547
Total		\$694,326

COMMENTS/OPTIONS/DISCUSSIONS

It will be recommended that the CEO (or in the absence of the CEO, the Acting CEO) be delegated authority to award or reject tenders for the following project up to the nominated values per approved 2017/18 budget allocations:

Tender No.	Description	Fund Source	Account Expenditure	Account Budget (ex GST)
RFT 10-2017/18	Pavement, Asphalt and Bitumen Spray Seal Works Newman	R2R	GL 129610 GL 129617 GL 129627	\$694,326

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).

Part 5 - Administration (Division 4 – Local government employees) 5.42. Delegation of some powers and duties to CEO (pg 153)

- (1) A local government may delegate (absolute majority required) to the CEO the exercise of any of its powers or the discharge of any of its duties under-
 - (a) this act other than those referred to in section 5.43; or

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

Part 5 - Administration (Division 4 – Local government employees) 5.43. Limits on delegations to CEO (pg 153)

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

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

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).

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

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

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

Legislative Authority for Delegation: S5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____



3.14 Procurement and Tender Procedures Policy

Responsible Directorate	Corporate Services
Responsible Officer	Chief Executive Officer Deputy Chief Executive Officer Manager Assets and Procurement
File Number	FIN-25-2

1. PURPOSE:

To ensure a best practice approach to procurement which promotes transparent, equitable and competitive purchasing practices for the Shire of East Pilbara (Shire) and is compliant with the Local Government Act 1995 (Act) and the Local Government (Functions and General) Regulations 1996 (Regulations).

2. OBJECTIVES:

The objectives of this Policy are to ensure that all purchasing activities:

Demonstrate that best value for money is attained for the Shire;

Are compliant with relevant legislations, including the Act and Regulations;

Are recorded in compliance with the State Records Act 2000 and associated records management practices and procedures of the Shire;

Mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;

Ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and

Are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

3. ETHICS AND INTEGRITY:

The highest standards of ethics and integrity are to be observed in undertaking all purchasing activities. Employees will act in an honest and professional manner that supports the standing of the Shire and promotes a proud and collaborative community.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties.



1. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
2. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with Council policies, values and Code of Conduct.
3. Purchasing is to be undertaken in a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
4. All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, record keeping practices and audit requirements.
5. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.
6. Any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorized by the supplier or under relevant legislation.

4. VALUE FOR MONEY:

Value for money is an overarching principle governing purchasing, that allows the best possible outcome to be achieved for the Shire.

Value for money is determined when the consideration of price, risk and quality factors that are assessed to determine the most advantageous outcome to be achieved for the Shire.

As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate quality and risk factors into the decision.

An assessment of the best value for money outcome for any purchasing process should consider:

- a) All relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, holding costs, consumables, deployment, maintenance and disposal;
- b) the technical merits of the goods or services being offered in terms of compliance with specifications, user requirements, quality standards, sustainability, service benchmarks, contractual terms and conditions, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, and any relevant methods of assuring quality;
- c) financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);



d) a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable; and

e) local business capabilities.

5. BUY LOCAL/REGIONAL PRICE PREFERENCE POLICY:

(Refer to Policy Manual Item 3.13):-

As much as practicable, the Shire must:

where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;

consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);

ensure that procurement plans address local business capability and local content;

explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;

avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and

provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

A regional price preference may be afforded to locally based businesses for the purposes of assessment. Provisions are detailed within the Shire's Regional Price Preference Policy.

6. PURCHASING REQUIREMENTS:

6.1 Legislative /Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the Local Government (Functions and General) Regulations 1996 and this Policy.

6.2 Policy

Purchasing that is \$150,000 or below in total value [excluding GST] must be in accordance with the purchasing requirements under the relevant threshold as defined under Section 6.4 of this Procurement Policy.

Purchasing that exceeds \$150,000 in total value [excluding GST] must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under Section 6.5 of this Procurement Policy is not deemed to be suitable.



6.3 Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

Exclusive of GST

The actual or expected value of a contract over the full contract period, including all options to extend; or to the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is, or could be, reasonably expected to be purchased.

Must incorporate any variation to the Scope of purchase and be limited to a 10% tolerance of the original purchasing value.

6.4 Procurement Thresholds and Requirements

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

Range (excluding GST)	Requirements
\$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 verbal or written quotes necessarily being obtained.
\$5,001 - \$29,999	<p>A purchase order will be utilised following three written quotes being obtained.</p> <p>Staff must retain electronic evidence of the suppliers invited to supply a written quote. Each supplier must receive the same detailed description (<i>Specification</i>) of what goods/services are being requested.</p> <p>A completed SoEP Declaration of Quotes form must be completed and attached to the Requisition.</p> <p><i>[Three quotes must be sourced, including if using WALGA Preferred Supplier Panel, or a SoEP Local Panel]</i></p>
\$30,000 - \$149,999	<p>Obtain at least three written quotes from suppliers by formal invitation, by way of a Formal Request for Quotation Process which includes a detailed Scope of Works/Specification of Goods and Services required.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assess all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from the Shire's Local Preferred Supplier Panels; the WALGA Preferred Supply Programme or from the open market.</p> <p>A copy of the last page of the Recommendation Report – Endorsement by CEO to Award the RFQ to the recommended respondent must be attached to the Requisition/Purchase Order.</p> <p>Under direction from the authorised Supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical & Development Services a purchase order will be utilised following the RFQ process.</p> <p><i>[Three quotes must be sourced, including if using WALGA Preferred Supplier Panel, or a SoEP Local Panel]</i></p>
\$150,000 & Greater	Under direction from the authorised Supervisor, Tenders will be invited as follows.



	<p>If work is allowed for in the budget, a Request to Invite Tenders form is to be submitted to the Chief Executive Officer for approval.</p> <p>If the work is not allowed for in the budget, permission to go to Tender must be obtained from Council.</p> <p>A copy of the Council Resolution to award the Tender to the successful Tenderer must be attached to the Requisition/Purchase Order.</p>
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6.5 Tender Exemptions

An exemption to publicly invite tenders may apply in the following instances:

An emergency situation as defined by the Act;

The purchase is under a Contract of WALGA (Preferred Supplier Arrangements*), Department of Treasury and Finance (permitted Common Use Arrangements); Regional Council; or another Local Government;

The purchase is under auction which has been authorized by Council;

The Contract is for petrol, oil or other liquid or gas used for internal combustion engines;

The purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less and represents value for money*;

The purchase is acquired from an Australian Disability Enterprise and represents value for money*.

The purchase is from a pre-qualified supplier under a Panel established by the Shire*

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

*Whilst exempt from the Tender process – three quotes are still required if purchase is to be made under this instance.

6.6 Purchase Order Authorisation

All staff that have purchase order authorisation must successfully complete the WALGA E-Learning Procurement Package. Until such time as this has been completed successfully staff will not have access to authorize purchase orders.

Staff that are in positions that have authority to raise Purchase Orders of \$10,000 or over will be required to complete the six modules, the Foundation Knowledge and Practical Knowledge Quiz.



Staff that are in positions to raise Purchase Orders of less than \$10,000 are required to undertake the first three modules and Foundation Quiz only.

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

Amounts shown are GST exclusive.

Orders should never be raised retrospectively.

Authorising Officer	Requirements
<ul style="list-style-type: none"> Chief Executive Officer*, Deputy Chief Executive Officer*; and Director Technical & Development Services* Manager Technical Services – Rural (only for Road Construction & Plant Fleet) 	<p>May raise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy 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 purchase order being issued.</p> <p><i>*Only these Authorising Officers are authorised to sign Capital Expenditure Purchase Orders with the exception of Road Construction and Light Vehicles which can be signed by Manager Technical Services – Rural.</i></p>
<ul style="list-style-type: none"> Managers 	<p>May raise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy 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 purchase order being issued.</p>
<ul style="list-style-type: none"> Coordinators Works Supervisor (Newman & Marble Bar) Environmental Health Officer 	<p>May raise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of \$10,000. If the purchase is in excess of \$10,000 a Requisition is to be authorised by their Supervisor prior to the purchase order being issued.</p>



Other Authorised Officers	May raise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of \$2,000. If the purchase is in excess of \$2,000 a Requisition is to be authorised by their Supervisor prior to the purchase order being issued.
Designated Fleet Officer	Is authorised 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

Splitting of purchases to keep below threshold is a breach of the Code of Conduct and will be treated as such.

6.7 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 light vehicles which can be signed by Manager Technical Services - Rural.

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

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

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

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

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

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



6.8 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 [excluding GST] a Request for Quote procedure shall be utilized, in compliance with purchase thresholds.

Services which are envisaged to exceed \$150,000 [excluding GST] shall undergo the full Tender process.

6.9 Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$150,000 excluding GST) is by public auction. The reserve sale price is to be determined by the Manager Technical Services - Rural in conjunction with the Chief Executive Officer and/or the Director Technical and Development Services.

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

Valuation by the auction house.

Valuation from a recognised source i.e.: red book.

Internet research.

Past sales by auction house.

Disposals are to be completed within the same financial year, or within 3 months of receipt of a new vehicle, whichever is the sooner to maximise sales return.

7. TENDER ANTI-AVOIDANCE:

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of 'splitting' the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a Public Tender.

8. EMERGENCY PURCHASES:

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the Local Government Act 1995.

Local Government Act 1995, Part 6, Division 4, s.6.8 (1)(c)

- 6.8. Expenditure from municipal fund not included in annual budget
- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.



In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken, but has to be in accordance with 6.8(1)(c) of the Local Government Act 1995.

An emergency purchase does not relate to purchases not planned for due to time constraints.

Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

9. RECORDS MANAGEMENT:

Records of all purchasing activity must be retained in compliance with the State Records Act 2000 (WA), the Shire's Records Management Policy and associated procurement procedures.

For each procurement activity, such documents may include:

The Procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);

Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;

Request for Quotation/Tender documentation;

Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);

Copies of quotes/tenders received;

Evaluation documentation, including individual evaluators notes and clarifications sought;

Negotiation documents such as negotiation plans and negotiation logs;

Approval of award documentation;

All correspondence to respondents notifying of the outcome to award a contract;

Contract Management Plans which describes how the contract will be managed; and

Copies of contract(s) with supplier(s) formed from the procurement process.

10. PURCHASING FROM DISABILITY ENTERPRISES:

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au.

This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.



11. PURCHASING FROM ABORIGINAL BUSINESSES:

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses or businesses that demonstrate a high level of aboriginal employment.

12. PANELS OF PREQUALIFIED SUPPLIERS:

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

The Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;

there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';

the purchasing activity under the intended Panel is assessed as being of a low to medium risk;

the Panel will streamline and will improve procurement processes; and

the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Shire will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

12.1 Establishing a Panel

Should the Shire determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels may be established for a minimum of two (2) year and for a maximum length of time deemed appropriate by the Shire. However, Contracts may not be entered into for more than one (1) year, and no option to renew a Contract is to be offered.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.



Where a Panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated. Where less than three (3) suppliers are appointed to each category within the Panel, the category is not to be established.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

12.2 Distributing Work amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the Shire intends to:

Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 12.3; or

Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or

Develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 12.2 (b).

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance;

or

work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel.

The Shire is to invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 6.4 of this Policy.



When a ranking system (as per 12.2(b)) is established, the Panel must not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

12.3 Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including request for quotation, quotations received must be made through either Tenderlink E-Tendering Portal, eQuotes, or any other electronic quotation facility that the Shire utilizes.

Communications with panel members, evaluation of quotes and notification of award communications must all retained using the unique reference number as per Clause 12.4.

12.4 Recordkeeping

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes:

The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;

Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;

Request for Applications documentation;

Copy of public advertisement inviting applications;

Copies of applications received;

Evaluation documentation, including clarifications sought;

Negotiation documents such as negotiation plans and negotiation logs;

Approval of award documentation;

All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;

Contract Management Plans which describes how the contract will be managed; and

Copies of framework agreements entered into with pre-qualified suppliers.



The Shire is also to retain records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the Shire.

References	<ul style="list-style-type: none"> Local Government Act 1995 Local Government (Functions and General) Regulations 1996 (as amended) 		
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
Review/Amendment Date	21 April 2017	Item No	9.2.5
Review/Amendment Date	26 May 2017	Item No	9.2.5
Next Review			

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
 - 1.1.2 Continued strong financial management
 - 1.1.3 Effective business management

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

RISK MANAGEMENT CONSIDERATIONS

The risk to Council reputation will be increased by not taking opportunity to avoid seasonal constraints and maintaining continuous operations. By awarding contract/s as soon as practical will reduce the risk of not completing the works in accordance with Council policy requirements.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the requested adjustments in the existing budgetary allocations and includes the unallocated amount of \$131,546 as listed in the table below;

GL	Description	Budget Available
129610	Newman Town Street Reseals-Muns Additional (R2R)-	\$527,546
129617	Drainage Works, including concrete and asphalt reinstatement- Mindarra Dr West (Part 2).	\$161,233
129627	Drainage Works, including concrete and asphalt reinstatement- Nyabalee Rd and O'Flaherty Street.	\$5,547
Total		\$694,326

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/142

MOVED: Cr Jeton (Jay) Ahmedi

SECONDED: Cr Craig Hoyer

THAT Council

1. Delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tender for the period up to the 13 April 2018, up to the values detailed in Table 1.

Tender No.	Description	Fund Source	Account Expenditure	Account Budget (ex GST)
RFT 10-2017/18	Pavement, Asphalt and Bitumen Spray Seal Works Newman	R2R	GL 129610 GL 129617 GL 129627	\$694,326

2. Approve the Common Seal to be affixed under delegated authority to CEO for the contract between the Shire of East Pilbara and the successful tenderer/s.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

To be actioned by Mr Bhavesh Modi, Manager Technical Services – Newman

**9.3.3 AMENDING THE FEES AND CHARGES FOR THE NEWMAN TOWN
SQUARE AND THE EDGE FOR CO-WORKING**

Attachments:	Attachment 1 The Edge Co-working Definitions.docx Attachment 2 The Edge Floor Plans.pdf Attachment x - Co-working - Promotional Material.pdf
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Ryan Del Casale Manager Development Services - Planning
Proposed Meeting Date:	09 March 2018
Location/Address:	Newman Town Square, Lot 105 (No. 10) Lee Lane, Newman
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

Council consideration is requested to amend the fees and charges, for the use of the facilities associated with the Town Square and the Edge. The amendment is to include fees and charges for co-working in the Edge facilities and other minor charges.

BACKGROUND

The building known as the 'Edge' is located on the Edge of the Newman Town Square. It comprises a commercial grade kitchen (and a food court), a mezzanine space for office purposes and two retail units known as the 'Pop-Ups' (or Shop/Office A & B). The development of the Square and the Edge were identified as part of the Newman Revitalisation Project. It was identified that there was a need for facilities in Newman to cater for the following;

- Small business incubation/activation;
- A kitchen for new and existing businesses (including home based businesses) to test ideas and new ventures;
- Versatile pop-up spaces and existing businesses (including home based businesses) to test ideas and new ventures, as consultation rooms and also for office use; and
- Office space for a range of users to co-locate in.

This co-location of users is known as 'co-working' where workers share a space, usually an office, but are not necessarily employed by the same organisation. A co-working space is an office environment designed for entrepreneurs, freelancers, remote employees, traveling business professionals, or employees of major corporations that prefer to work in an innovative entrepreneurial environment. Co-working offices make networking easy and encourage collaboration, innovation and

work life balance. These offices can facilitate regular networking meet ups, social events, hackathons, start up weekends, workshops, training on new technologies and improve professional skills. In addition co-working staff would help connect their members with mentors.

As part of the Newman Business Activation Program (started by the Shire in 2016 with Pilbara Development Commission funding) it was identified that Edge buildings would be the facility to accommodate this. Primarily the Mezzanine could cater for office Co-working as this space was specifically designed for this purpose. It is noted that the Pop-Up (office and shop) spaces could also be used for these purposes. The existing fees and charges are provided in Table 1.0 below.

Table 1.0

Shire of East Pilbara Schedule of Fees and Charges 2017/18	GST Applic.	17/18 Fee Incl. GST	Description
Newman Town Square Precinct – The Edge Kitchen (includes the Food Court and the Mezzanine) Commercial			
Hourly	Yes	50.00	
Half Day (4 hours)	Yes	180.00	
Full Day (8 hours)	Yes	350.00	
Food Court Only			
Hourly	Yes	25.00	
Half Day (4 hours)	Yes	90.00	
Full Day (8 hours)	Yes	180.00	
Mezzanine Only			
Hourly	Yes	40.00	
Half Day (4 hours)	Yes	145.00	
Full Day (8 hours)	Yes	280.00	
Shop/Office A and B			
Hourly	Yes	10.00	Per Office
Half Day (4 hours)	Yes	45.00	Per Office
Full Day (8 hours)	Yes	90.00	Per Office
Newman Town Square Precinct – Other			
Hourly	Yes	75.00	
Grassed Area/Paved Area/Car Park	Yes	FREE	
Not for Profit; Home Based Businesses; Individual; Community Groups			40% discount from the commercial rates
Discount Period 28/10/17 – 04/03/18; Not for Profit; Home Based Businesses; Individual; Community Groups			50% (additional to std 40% discount)
Bonds Apply			

The proposed amendments are shown below in Table 2.0 (with deletions being struck through and additions being italicised);

Table 2.0

Shire of East Pilbara Schedule of Fees and Charges 2017/18	GST Applic.	17/18 Fee Incl. GST	Description
Newman Town Square Precinct – The Edge Kitchen (includes the Food Court and the Mezzanine) Commercial			
Hourly	Yes	50.00	
Half Day (4 hours)	Yes	180.00	
Full Day (8 hours)	Yes	350.00	
Food Court Only			
Hourly	Yes	25.00	
Half Day (4 hours)	Yes	90.00	
Full Day (8 hours)	Yes	180.00	
Mezzanine Only			
Hourly	Yes	40.00	
Half Day (4 hours)	Yes	145.00	
Full Day (8 hours)	Yes	280.00	
Edge Co-Working Office Spaces (Includes the Mezzanine but excludes the Kitchen)			
Casual Co-Working For 1 Day	Yes	25.00	For 1 day
Part Time Co-Working	Yes	40.00	Up to 2 Days per Week
Fulltime Co-Working	Yes	90.00	Up to 5 days per Week
Shop/Office A and B			
Hourly	Yes	10.00	Per Office
Half Day (4 hours)	Yes	45.00	Per Office
Full Day (8 hours)	Yes	90.00	Per Office
Newman Town Square Precinct – Other			
Hourly	Yes	75.00	
Grassed Area/Paved Area/Car Park	Yes	FREE	
Not for Profit; Home Based Businesses; Individual; Community Groups			40% discount from the commercial rates <i>Note: This does not apply to users who are classified as Co-workers</i>
Discount Period 28/10/17 – 04/03/18; Not for Profit; Home Based Businesses; Individual; Community Groups			50% (additional to std 40% discount)
Bonds Apply			<i>Note: This does not apply to users who are classified as Co-workers</i>

COMMENTS/OPTIONS/DISCUSSIONS

An initial fee structure was adopted at the end of July 2017 in the 2017/18 budget to coincide with the opening of the Town Square and the Edge. This was later amended in October 2017. The fee structure was prepared to allow the facilities to be used by a range of users (including the users who might be defined as Co-workers). To date the facilities have been used for a range of uses but not strictly Co-working.

A key objective of the Newman Business Activation Program is to facilitate Co-working from the Edge. It is intended that Co-working in the Edge will operate as follows;

- The Co-worker will be required to book in to use the facilities;
- This can be done over the phone, via email or in person at the Shire administration Centre;
- Fees are to be charged as per Table 2.0 , which include use of the facility (excluding the downstairs commercial kitchen);
- The refundable bond (\$500.00) will not be charged for co-working as a Shire officer will be present in the Edge to induct the user, monitor them and the state of the facility during and after their use;
- Co-Working could occur in the Pop-Up spaces but not in the downstairs commercial kitchen;
- It is acknowledged that some co-workers may have to physically traverse the food court space at times to enter the building (Refer to Attachments 1 & 2).

It is intended that the discounts featured in the fees and charges will not be applied to co-working. Co-working fees are intended to be flat fees as this includes access to the facilities, complimentary Wi-Fi, use of desk space, printers, whiteboards, the breakout space, free coffee and tea and use of a small kitchenette in the Mezzanine. Connection of the building to the National Broadband Network is due to be completed by early March 2018. The Edge facility is now ready to accommodate Co-working and therefore appropriate fees and charges are required. This amended structure is consistent with that of other venues in Western Australia for Co-working. It is important to note that this proposed structure is for office Co-working and does not apply to shared use of the Kitchen. An example of the intended Co-working promotional material and information sheet also illustrates the fee structure and how Co-working would (Refer Attachment).

A further minor amendment to the fees and charges is proposed. This is to remove the inclusion of the Mezzanine from the hire/booking of the kitchen as these are two (2) separate spaces, and this change will avoid confusion when booking the space.

A definition to the list of user groups for the Edge and Town Square is proposed to be added for Co-working as follows in Table 3.0 ;

Table 3.0

User Groups Definitions	
Users	Definition
Commercial	For profit organisation or enterprise engaged in commercial, industrial or professional activities. The business is based at an external facility and not in the house hold.
Not for Profit Businesses	Associations, charities, cooperatives and other voluntary organisations formed that does not operate for the profit, personal gain or to the benefit of its members. A not for profit to further cultural, education, religious, professional, or public service objectives.
At Home Business	A small business operated out of the owner's primary residence.
Individual	Any individual who may want to use The Square facilities. Individuals can range from business start-ups, students, individuals pursuing hobbies, professionals looking for hot desks, and casual users.
Community Groups	Community sporting groups, clubs, social groups, religious groups, not for profit groups, charities
Co-Working (Co-Workers)	Users who use the Mezzanine and the Pop-Up spaces for shared (not exclusive) office use and for activities that are not for retail purposes.

STATUTORY IMPLICATIONS/REQUIREMENTS

SUBDIVISION 2 — FEES AND CHARGES

6.16. Imposition of fees and charges

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

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

3.2 ASSET MANAGEMENT

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*

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/143

MOVED: Cr Jeton (Jay) Ahmedi

SECONDED: Cr Anthony Middleton

THAT Council

1. Amend the wording for noting who can obtain the 40% discount off the commercial rates to include the words "*Note this does not apply to users who are classified as Co-workers*";
2. Amend the wording for noting that bonds apply to include the words "*Note this does not apply to users who are classified as Co-workers*";
3. Adopt the following amended fees and charges effective from 20 March 2018 for the Newman Town Square and the Edge as detailed in table below;

Shire of East Pilbara Schedule of Fees and Charges 2017/18	GST Applic.	17/18 Fee Incl. GST	Description
Newman Town Square Precinct – The Edge Kitchen (includes the Food Court) Commercial			
Edge Co-Working Office Space (Includes the Mezzanine but excludes the Kitchen)			
Casual Co-Working For 1 Day	Yes	25.00	For 1 day
Part Time Co-Working	Yes	40.00	Up to 2 Days per Week
Fulltime Co-Working	Yes	90.00	Up to 5 days per Week
Not for Profit; Home Based Businesses; Individual; Community Groups			40% discount from the commercial rates Note: <i>This does not apply to users who are classified as Co-workers</i>
Bonds Apply			Note: <i>This does not apply to users who are classified as Co-workers</i>

4. Provide notice of the adopted Fees as advertised, pursuant to Section 6.19 of the Local Government Act 1995

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0

*To be actioned by Mr Ryan Del Casale, Manager Development Services -
Planning*

9.3.4 REQUEST TO SPONSOR THE 2018 KARIJINI EXPERIENCE

File Ref: STR-8

Attachments: [Attachment 1 - 2018 Event Flyer.jpg](#)
[Attachment 2 Karijini Experience 2017 -Event Report 2017.pdf](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Ryan Del Casale
Manager Development Services - Planning

Proposed Meeting Date: 09 March 2018

Location/Address: N/A

Name of Applicant: Nintirri Centre

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the request made by the Nintirri Centre to sponsor the 2018 Karijini Experience Festival.

BACKGROUND

The Nintirri Centre (Nintirri) based in Tom Price are a non for profit organisation who are primarily responsible for organising The Karijini Experience Festival (the event). The event is an authentic annual cultural festival that encourages visitors to experience the Karijini National Park and Pilbara Region. The event uses a range of art, music and other activities to attract people.

The 2018 event is scheduled for April 17-22 2018. Ticket sales to date are estimated to be at over twenty-five thousand \$25,000.00 in pre-sales. Media outlets such as Channel 7's Today Tonight and Spirit FM Radio are scheduled to cover the 2018. State Government Representatives such as Minister Ben Wyatt have confirmed their attendance. Artists who will perform at the 2018 event included Archie Roach, the Western Australian Symphony Orchestra and Martu Mili artists. There will also be events within the festival such the Fervor pop-dining experience – where a degustation dinner using locally sourced ingredients will be served under the stars (Refer to Attachment 1 – 2018 Event Flyer).

The event was established in 2013 with a one (1) day attended by seventy-five (75) people. The event has grown into a multi-day and multi-arts event. Visitor numbers have increased over this time also. In 2017 the event attracted one thousand, two hundred and thirty-five (1235) visitors, featured ninety (90) artists, headlined thirty-seven (37) individual events and represented thirteen (13) indigenous languages groups. In 2017 the event was supported by seventy-four (74) partners and sponsors.

For the 2017 event Tourism WA and the Department of Regional Development – Royalties for Regions provided funding which was directed towards marketing,

developing media relationships and communications. As a result fifty-eight percent (58%) of visitors to the event were identified as non-local which was an increase from forty percent (40%) in 2016. The event received media coverage in the West Australian Travel Magazine, The West Australian Newspaper, in the Royal Automobile Club of W.A (RAC) Horizons magazine and on the ABC and 6PR radio stations (Refer to Attachment 2 – 2017 Event Report).

In 2017 Nintirri started to work with, and expand, the existing capacity of Pilbara tourism operators. A new initiative of the event organisers has been to create tourist packages in partnership with other tourism operators. The Newman Visitor Centre is working Nintirri to on these tasks. Their work involves promoting the event and also Newman as part of this event. Work has involved assisting existing tourism operators, local businesses and residents to become involved in the event. Newman specific marketing is being prepared and the Fervor pop-up dining experience will conduct a dinner in Newman on 14 April 2018. Officers of the Shire have provided in-kind support to the Newman Visitor Centre and Nintirri with the above.

COMMENTS/OPTIONS/DISCUSSIONS

The event relies upon the sponsorship and community assistance. There are four (4) levels of sponsorship available to organisations or agencies who wish to sponsor the 2018 Event as follows;

- Platinum to the amount of \$50,000.00;
- Gold to the amount of \$30,000.00;
- Silver to the amount of \$15,000.00; and
- Bronze to the amount of \$7,500.00.

Other organisations in the Pilbara are sponsoring the event as follows;

- The Shire of Ashburton as a platinum sponsor;
- The City of Karratha as a silver sponsor; and
- The Pilbara Development Commission as bronze sponsor.

Between August 2017 and January 2018 Nintirri approached the Shire requesting sponsorship at the silver level. Sponsoring the event aligns with the strategic objectives of the Shire to partner with other agencies, support regional tourism and diversify the economy. Sponsoring the event provides the Shire with various marketing and public relations benefits and also the access to knowledge and opportunities by working with other regional stakeholders on this event.

It is recommended that the Shire sponsors the 2018 Karijini Experience at the bronze level to the amount of \$7,500.00. This is considered appropriate given that this is the first time the Shire has been approached to sponsor the event. This is also the first time that Shire officers have assisted the Newman Visitor Centre concerning the event. It is considered appropriate to sponsor at this level to examine benefits the event can bring to the Shire.

As part of the bronze sponsorship the Shire would;

- Be named as a Bronze Sponsor;
- Receive two (2) complimentary tickets to the 2018 event;
- Have our logo on the event marketing and promotional material such as brochures and café barriers; and
- Inclusion of any Shire information into event bags for VIP guests.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.7 COUNCIL SUPPORTED/RECOGNISED EVENTS OF COMMUNITY INTEREST

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

2.4 Diverse and Inclusive Communities

2.4.1 Promote diverse, harmonious and caring communities

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

Responsible officer: MCW

Timing: 1-3 years

2.4.2 Build strong community groups, networks and governance

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

Responsible officer: MCW

Timing: 1-5 years

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.

Goal 3 – Economic – Planned Actions

3.1 Business Diversification and Promotion

Responsible Officer: DCEO

Timing: 1-5 years

3.1.1 Provide support for established and emerging businesses bodies and local businesses

Responsible Officer: DCEO

Timing: 1-5 years

3.1.2 Build a thriving and diverse economy

Responsible Officer: DCEO

Timing: 1-5 years

3.1.3 Encourage Tourism

Responsible Officer: DCEO

Timing: 1-5 years

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

RISK MANAGEMENT CONSIDERATIONS

Should the Council choose not to sponsor the 2018 Karijini Experience Council may be subject to some reputational risk within the Pilbara region in regard to not collaborating and supporting regional events.

FINANCIAL IMPLICATIONS

Whilst this request to sponsor the event was not initially identified with the resource requirements of the budget, funding has been identified within the account GL131267 – Economic Development Consultants. This account is normally used for the appointment of consultants to assist the Shire on economic development objectives. As stated above, sponsoring the event is consistent with several key Shire economic development objectives. Therefore it was identified that diverting the amount required to sponsor the event from this economic development account would be an appropriate use of the funds. Overall expenditure for this account will remain within the budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/144

MOVED: Cr Gerry Parsons

SECONDED: Cr Biddy Schill

THAT Council approve the request for sponsorship by Nintirri Centre for the purposes of assisting with the 2018 Karijini Experience at the bronze level to the amount of \$7,500.00 as a cash contribution.

**CARRIED
RECORD OF VOTE: 8 - 1**

To be actioned by Mr Ryan Del Casale, Manager Development Services - Planning

9.3.5 EUROPCAR LEASE - NEWMAN AIRPORT

Attachments:	47333 Report.pdf Licence template - Car rental kiosks and bays 13.02.2018.pdf Confidential under separate cover
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Salomon Kloppers Manager Development Airports
Proposed Meeting Date:	09 March 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara (the Shire) to an Agreement between the Shire and CLA Trading. CLA Trading operates Europcar at Newman Airport.

BACKGROUND

Newman Airport is owned and operated by the Shire of East Pilbara (the Shire) and serves as a vital link between the community of Newman and surrounding communities to Perth.

The Shire of East Pilbara (SoEP) is committed to providing efficient and effective services that represents “value for money” to its residents/community.

Effective 14 December 2011 the Shire agreed to two License agreements with CLA Trading (operating as Europcar). The first License agreement covered the rental of ten car bays in the Short Term Car Park, to be used as ready bays for car rental clients. The second License agreement covered the rental of a small car rental kiosk, mainly used to issue vehicle keys to rental clients.

These agreements have come to an end and the tenant has been operating on Newman Airport via the “Hold-over” clauses.

Subsequently the tenant has approached the Shire with a proposal to enter into a new agreement so as to secure tenure and certainty for their business.

COMMENTS/OPTIONS/DISCUSSIONS

Considering the detail and comments as contained in the confidential attachment it is recommended that Council agree to the terms put forward in the terms and conditions described in the confidential attachment.

Section 3.58 (Disposal of Property) of the Local Government Act 1995 notes that prior to disposal of property a local government must invite submissions from the community regarding the matter after providing certain information. Council has to consider submissions, and decide on whether to go ahead or not.

It is recommended that Council authorise the CEO to make the notifications required by Section 3.58 of the Local Government Act 1995. Should no submissions be received the CEO should be given the delegation to enter into an agreement (as per the terms discussed in the Confidential Attachment) and apply the Common Seal to the resultant Agreement.

Should submissions be received those will have to be tabled at the next Council meeting.

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.

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.1.2 Build a thriving and diverse economy

3.1.1 Provide support for established and emerging business bodies and local businesses

FINANCIAL IMPLICATIONS

The Shire will receive an increased revenue stream from the tenancy as per the confidential attachment.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/145

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council

1. Authorises the Chief Executive Officer to advertise the proposed disposition of land in accordance with Section 3.58 (Disposing Property) of the Local Government Act 1995; and
2. Authorise the Chief Executive Officer to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and CLA Trading PTY LTD (ACN 082 220 399) regarding the Lease of a 10m2 kiosk and six car bays space at Newman Airport, subject to receiving no submissions prior to the closing date.

CARRIED
RECORD OF VOTE: 9 – 0

To be actioned by Mr Salomon Kloppers, Manager Development Airports

9.3.6 THRIFTY CAR RENTAL LEASE AT NEWMAN AIRPORT

Attachments:	47333 Report.pdf Licence template - Car rental kiosks and bays 13.02.2018.pdf Confidential under separate cover
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Salomon Kloppers Manager Development Airports
Proposed Meeting Date:	09 March 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara (the Shire) to an Agreement between the Shire and ILHA Pty Ltd. ILHA Pty Ltd operates Thrifty car rental at Newman Airport.

BACKGROUND

Newman Airport is owned and operated by the Shire of East Pilbara (the Shire) and serves as a vital link between the community of Newman and surrounding communities to Perth.

The Shire of East Pilbara (SoEP) is committed to providing efficient and effective services that represents “value for money” to its residents/community.

Effective 1 May 2011 the Shire agreed to two License agreements with ILHA Pty Ltd (operating as Thrifty). The first License agreement covered the rental of ten car bays in the Short Term Car Park, to be used as ready bays for car rental clients. The second License agreement covered the rental of a small car rental kiosk, mainly used to issue vehicle keys to rental clients.

These agreements have come to an end and the tenant has been operating on Newman Airport via the “Hold-over” clauses.

Subsequently the tenant has approached the Shire with a proposal to enter into a new agreement so as to secure tenure and certainty for their business.

COMMENTS/OPTIONS/DISCUSSIONS

Considering the detail and comments as contained in the confidential attachment it is recommended that Council agree to the terms put forward in the terms and conditions described in the confidential attachment.

Section 3.58 (Disposal of Property) of the Local Government Act 1995 notes that prior to disposal of property a local government must invite submissions from the community regarding the matter after providing certain information. Council has to consider submissions, and decide on whether to go ahead or not.

It is recommended that Council authorise the CEO to make the notifications required by Section 3.58 of the Local Government Act 1995. Should no submissions be received the CEO should be given the delegation to enter into an agreement (as per the terms discussed in the Confidential Attachment) and apply the Common Seal to the resultant Agreement.

Should submissions be received those will have to be tabled at the next Council meeting.

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.

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Execution of Documents

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Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.1.2 Build a thriving and diverse economy

3.1.1 Provide support for established and emerging business bodies and local businesses

FINANCIAL IMPLICATIONS

The Shire will receive an increased revenue stream from the tenancy as per the confidential attachment.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/146

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council

- 1. Authorises the Chief Executive Officer to advertise the proposed disposition of land in accordance with Section 3.58 (Disposing Property) of the Local Government Act 1995; and**
- 2. Authorise the Chief Executive Officer to affix the Common Seal to a Lease Agreement between the Shire of East Pilbara and ILHA Pty Ltd (ABN 37 008 961 340) regarding the Lease of twenty car bays and a 10m2 space at Newman Airport, subject to receiving no submissions prior to the closing date.**

CARRIED
RECORD OF VOTE: 9 – 0

To be actioned by Mr Salomon Kloppers, Manager Development Airports

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**11.1 PILBARA KIMBERLEY FORUM 2018 BE ACCEPTED AS AGENDA ITEM
11.1.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/147

MOVED: Cr Gerry Parsons

SECONDED: Cr Anthony Middleton

**THAT the Pilbara Kimberley Forum 2018 report be accepted as agenda item
11.1.1**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

11.1.1 PILBARA KIMBERLEY FORUM 2018

File Ref:	PRC
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Sheryl Pobrica Executive Services Administration Officer
Proposed Meeting Date:	09 March 2018
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

The (PK) Pilbara Kimberley Forum 2018 is an annual event jointly hosted by the Pilbara and Kimberley regions on alternative years. This year the Pilbara Regional Council is hosting the PK Forum.

The PK Forum 2018 will be held in Perth, from 1-2 May 2018.

The purpose of this report is to seek Council's consideration of Councillor/Officer attendance at the PK Forum 2018.

BACKGROUND

The PK Forum 2018 is an annual event jointly hosted by the Pilbara and Kimberley regions on alternative years. This year the Pilbara Regional Council is hosting the PK Forum.

In 2014 the PRC hosted the Pilbara Kimberley Forum in Jakarta, Indonesia, matching a number of Australian leaders with Indonesian investors and banking capital. The 2016 Forum in Shenzhen, China was considerably larger and received good press from the Shenzhen Daily newspaper (circulation 10M).

The PRC took the view when evaluating these events that there was little sense in further encouraging investors to consider the Pilbara, if the region was characterised by underdeveloped project concepts or known to be a complex investment environment. In 2018, it was proposed that the event be refocused, both in a strategic pivot inward to State/Federal issues and in a focus on advocacy for reform.

There is already a high level of interest in this forum from both political and industry influencers, with the Premier scheduled to open the event, and CEDA scheduled to run one of their very popular 'regional events' concurrently, for which regional delegates will receive complimentary tickets.

General Theme

The PK Forum 2018 will be centred on the theme of 'hot topics' and controversial issues. The intention is for rapid brainstorming, expert panel sessions, provocative opening statements, and breakout discussion and problem solving.

This will mean that each 'hot topic' is not simply discussed by an expert speaker, but debated by opposing views, workshopped by attendees, problem-solved in groups, and then delivered back to the Forum as potential solutions, advocacy topics and regional projects for the region to take forward in FY19.

A Summary Paper arising from the event will be drafted and presented to both the Prime Minister and Premier, along with other significant political figures and key influencers.

General Comments

Summary of progress thus far:

- The Pilbara Development Commission (PDC) will be co-hosting the event with the PRC.
- The Hon Mark McGowan MLA - Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal-State Relations will be opening the Forum and stay for the first session,
- Hon Alannah MacTiernan MLC, Minister for Regional Development, will provide a keynote address,
- CEDA will be running a regional event concurrently,
- A premier venue and accommodation provider has been secured (Crown Events & Conferences, and the Crown Metropoli).
- A range of sponsorship discussions are underway

- Confirmed Event Details

Location: Botanical Rooms 1 - 2 (forum), and Astral Ballroom 1 (CEDA Lunch and Forum dinner)

Dates: May 1 - 2, 2018 (recess weeks for both State and Federal Parliaments)

Attendees: ~100, strictly by invitation only

Tentative Proposed Program

Day One

- Session 1: Keynote Addresses and Opening Remarks
- Session 2: People Power
- CEDA Public Lunch: (Event TBC, negotiations underway)
- Session 4: Survive or Thrive
- Sponsored sun-downer
- Event dinner

Day Two

- Session 5: Keynote Address and Opening Remarks
- Session 6: Meet the Neighbours (regional Consuls General)
- Session 7: First Nations Participation
- Session 8: More Energy
- Closing Session: The Great Debate - The 7th State

Registration and Event Launch

The PRC has set down a preliminary date of the 28 February for the sending of delegate invitations and the opening of registration.

Invited guests will receive an email invitation directing them to register online. As is customary, the PRC will offer all participating LGAs the option of sending details through to PRC staff for manual entry, and the processing of payment via purchase order and invoice. Online purchases through the registration platform are only possible by credit card.

Finance

The PRC is aware of the need for Councillors and regional attendees to purchase flights on top of registration fees and remains committed to ensuring the event is priced competitively at \$929 exGST/fees inclusive of all event activities, meals and accommodation at Crown Resort.

COMMENTS/OPTIONS/DISCUSSIONS

Member CEOs have been engaged in the drafting of the FY18 Project Concept Document for this initiative, and Council has deliberated on the event's purpose at the August OCM.

The Pilbara Development Commission and Kimberley Regional Group have been briefed on the event and agreed to join as event partners.

The Department of Foreign and Trade will be kept informed of the components of the program that relate to trading partners and Consuls General engagement, and both DFAT and Austrade State Directors will be invited to sponsor and facilitate the day two 'Meet the Neighbours' session.

OPTIONS

Option 1 – Adopt Officers Recommendation

Option 2 – Amend Officers Recommendation

Option 3 – Do not adopt Officers Recommendation

The PRC has suggested the PK Forum 2018 will offer an avenue for in-depth discussion on regional advocacy and issues on the broad strategic development of North West Australia.

With a relatively new government in Western Australia, and a federal election due in approximately a year, now is the time to develop tangible solutions, targeted advocacy and a clear sense of what the future is if we deliver on those goals.

The new government has just completed a special inquiry focusing heavily on Royalties for Regions, and will likely be making significant changes to how regional development is funded and governed. Federally, the current government faces an uphill battle to keep Western Australia, and if aware that the GST inequities will necessitate 'top up payments' to the state.

Developing a deeper sense of what the north-west *could be* will be an important first step in delivering regional West Australians local leadership and effective advocacy at the state and federal level.

RISK MANAGEMENT CONSIDERATIONS

Low operational risk.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

FINANCIAL IMPLICATIONS

Registration: Registration (plus 2-nights accommodation): \$929 ex GST/Ticket Fees

The accommodation is available on the 30th of April and 1st of May, assuming delegates will fly to Perth the day before the event and back home directly after day two proceedings are concluded. Delegates wishing to modify or extend their stay will need to do so with Crown at their own cost.

In addition to the costs of registration, return airfares for the two-day conference should be considered.

Councillors

GL#41007

Conference and Seminar Expenses budget \$64,400 spent \$29,005.80, balance as 02/03/2018 - **\$35,394.20**.

Staff

GL#41103

Conference and Seminar Expenses budget \$31,000 spent \$12,830.82, balance as 02/03/2018 - **\$18,169.18**.

The PRC will take carriage of organising the event, and registration covers all associated costs and planning such as venue and catering plus 2 nights accommodation. It does not cover the costs of flights and travelling.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

1. THAT Council endorse the following Councillors and/or executives as attendees:

2. THAT Council instruct the CEO to work with the PRC CEO to manually register all LGA delegates including any accommodation and dietary requirements

COUNCIL RESOLUTION: 201718/148

MOVED: Cr Gerry Parsons

SECONDED: Cr Anthony Middleton

THAT Council

1. Approve all Councillors to have the opportunity to attend the Pilbara Kimberley Forum 2018 by forwarding their nomination to Mrs Sheryl Pobrica, Executive Services Administration Officer, by 30th March 2018;
2. Instruct the CEO to work with the PRC, CEO to manually register all LGA delegates including any accommodation and dietary requirements

CARRIED
RECORD OF VOTE: 9 - 0

Reason for Non-Acceptance – To allow Councillors to check their availability for the Forum.

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

**11.2 RESPONSE REGARDING DRAG RACES AT THE NEWMAN AIRPORT BE
ACCEPTED AS AGENDA ITEM 11.2.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/149

MOVED: Cr Gerry Parsons

SECONDED: Cr Anthony Middleton

**THAT the Response regarding Drag Races at the Newman Airport be accepted
as agenda item 11.2.1**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

11.2.1 RESPONSE REGARDING DRAG RACES AT NEWMAN AIRPORT

Ms Sian Appleton, Acting Chief Executive Officer, tabled the response from
CASA regarding holding the Drag Races at Newman Airport

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201718/150

MOVED: Cr Gerry Parsons

SECONDED: Cr Anthony Middleton

**THAT Council engage a consultant to perform a risk assessment and develop a
business case regarding holding the Drag Races at Newman Airport, for a
limited period of time, for an amount within the current budget for this purpose.**

**CARRIED
RECORD OF VOTE: 8 - 1**

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

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

Nil

13 DATE OF NEXT MEETING

13 April 2018, Newman

14 CLOSURE

11.40 AM