



## **EAST PILBARA SHIRE COUNCIL**

# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council will be held,  
in Council Chambers, Newman,  
10.00 AM, FRIDAY, 22 MAY, 2015.

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

THE HEART  
OF THE  
PILBARA



## DISCLAIMER

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

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

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

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

## WRITTEN CONFIRMATION

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

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

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

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

**2.1 ATTENDANCES**

Councillors

Lynne Craigie  
Lang Coppin OAM  
Anita Grace  
Craig Hoyer  
Gerry Parsons  
Kevin Danks  
Dean Hatwell  
Stephen Kiernan

Shire President  
Deputy Shire President

Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Rick Miller

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

Ms Sheryl Pobrica

Executive Services Administration Officer

Public Gallery

**2.2 APOLOGIES**

Councillor Apologies

Shane Carter  
Biddy Schill

Officer Apologies

**2.3 LEAVE OF ABSENCE**

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

**4 PUBLIC QUESTION TIME**

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

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

**7.1 CONFIRMATION OF MINUTES**

[Minutes April 24 2015 Council.DOCX](#)

**OFFICER'S RECOMMENDATION**

**THAT the minutes of the Ordinary Meeting of Council held on 24 April 2015, be confirmed as a true and correct record of proceedings.**

**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

**8.2 ITEMS FOR INFORMATION**

## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - APRIL 2015

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

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

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

(1) *The council –*

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

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

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Chief Executive Officer for April 2015 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>RESPONSIBLE OFFICER</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
12 December 2014	9.1.4	WA LOCAL GOVERNMENT TRADE EXHIBITION AND CONVENTION 2015	ESAO	Accommodation has been booked need to confirm who will be attending for flights.	In Progress
6 March 2015	13.1	ADSL MARBLE BAR Cr Stephen Kiernan asked the Shire to continue to follow up with Telstra regarding ADSL in Marble Bar. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO		



**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS  
- APRIL 2015**

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

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

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

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for March 2015 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
24 October 2014	13.1	SPORTING COMPLEX MARBLE BAR FIVE YEAR PLAN Cr Dean Hatwell asked if the electrical works can be included in the five year plan for the sporting complex. Ms Sian Appleton, Deputy Chief Executive Officer answered yes this will be included in the five year plan as appropriate.	DCEO	Still being completed	June 2015
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire 16 <sup>th</sup> June 2015 and staff will be discussing the agreement with the Department of Education.	DCEO	In consultation with Education Department	June 2015
6 March 2015	13.9	NULLAGINE GYM Cr Bidy Schill asked if there was an alternative to the pub holding the key to the gym as people cannot use the gym while pub is closed and also people are using the gym without paying.	DCEO	Still being investigated	April 2015

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		Ms Sian Appleton said they are looking into this with different options e.g.: CRC Nullagine holding the key and taking payments for the use of the gym.			
24 April 2015	9.2.9	TO REPORT ON THE CONDITION OF THE WATER PLAYGROUND AT THE NEWMAN AQUATIC CENTRE, COMMENT ON ITS COMPLIANCE AND CONSIDER OPTIONS FOR ITS FUTURE	DCEO	Report back to Council	
24 April 2015	9.2.6	CAPE KERAUDREN ACCESS FOR THE NGARLA PEOPLE	DCEO		
24 April 2015	9.2.7	EVENTS STRATEGY FOR PUBLIC COMMENT	MRE		May 2015

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**9.2.2 RESPONSIBILITY TO CONDUCT LOCAL GOVERNMENT ORDINARY ELECTION**

<b>File Ref:</b>	<b>CLR-2-1</b>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

For Council to consider appointing the Electoral Commissioner to conduct the 2015 ordinary election as a postal voting election.

**BACKGROUND**

Since 2003, Council's elections have been held as postal elections and are conducted by the Electoral Commission. Council has again been advised by the Electoral Commission that they would be prepared to conduct the 2015 ordinary election on Council's behalf, should Council decide to use the postal voting method.

**COMMENTS/OPTIONS/DISCUSSIONS**

The next ordinary election will be held on Saturday 17<sup>th</sup> October 2015, and under the *Local Government Act 1995*, Council may decide on the method of election it wishes to use. The options are that Council can use the postal voting method or the in person method. If choosing the postal voting method, then the Electoral Commissioner must be responsible for the conduct of the election. In accordance with the *Local Government Act 1995*, the last day Council can decide on the method of conducting an election is 31 July 2015.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

***Local Government Act 1995***

**Part 4 Elections and Other Polls**

**Division 7 Provisions about electoral officers and the conduct of elections**

**s4.20 CEO to be returning officer unless other arrangements are made**

- (4) A local government may, having first obtained the written agreement from the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

\* *Absolute majority required.*

**Local Government Act 1995**

**Part 4 Elections and Other Polls**

**Division 9 The electoral process**

**s4.61 Choice of methods of conducting election**

- (1) The election can be conducted as a –  
**postal election** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or  
**voting in person election** which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide\* to conduct the election as a postal election.

\* *Absolute majority required.*

**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**

Account number 41019 Election Expense will require a provision of approximately \$17,000 (including GST) in the 2015/2016 budget to cover the costs associated with the election. Final costs will be dependent upon how many seats are contested. The South Ward will have four vacancies including the vacancy created through Mr Doug Stead’s resignation, and the North West and Lower Central Wards will have one vacancy each. Should any ward have an uncontested seat, the costs will be mainly concerned with advertising and will be minimal.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

1. In accordance with section 4.20(4) of the *Local Government Act 1995*, Council declare the Electoral Commissioner to be responsible for the conduct of the 19 October 2013 ordinary election, together with any other elections or polls which may be required; and
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

### 9.2.3 RFT15-2014/2015 NEWMAN ADMINISTRATION OFFICE EXTENSION

<b>File Ref:</b>	<b>LEG-13-4-15</b>
<b>Attachments:</b>	<a href="#"><u>Confidential – Under Separate Cover</u></a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Ben Lewis</b> <b>Manager Assets and Procurement</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to consider tenders for the extension to the Newman Administration building, and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

#### BACKGROUND

The extension to the administration building is to provide much needed office space to adequately cater for the existing staff numbers with future growth. It will also allow provisions for the expansion of the records room.

The intent is to relocate the finance staff into the proposed new extension to allow the four offices adjacent to the records room to be incorporated into the existing records room at a later date.

The Tender Scope of Works included:

- Building extension and associated works.
- Realignment of the existing carpark and footpath.

#### COMMENTS/OPTIONS/DISCUSSIONS

The tender was advertised in the West Australian newspaper on Saturday, 21 February, 2015 and on the Shire's website. The tender was also advertised on the Tenderlink e-Tendering Portal.

Closing date for the tender was 2:00pm on Monday, 9 February, 2015.

At close of tender three (3) tenders were received as follows:

<b>Tenderer</b>
Megara Construction PTY LTD
Capital Construction WA PTY LTD
Ahrens Group PTY LTD

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

<b>No.</b>	<b>Criteria</b>	<b>Weighting</b>
1	Demonstrated Understanding	40%
2	Tendered Price	25%
3	Relevant Experience	20%
4	Key Personnel Skills and Experience	10%
5	Tenderers Resources	5%

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

The results of the tender assessment indicate that Megara Construction PTY LTD is the most advantageous to Council, offering local knowledge, skills and demonstrated ability in this area.

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

Nil



**POLICY IMPLICATIONS**

**10.12 PURCHASING AND TENDER PROCEDURES**



**10.12| Purchasing and Tender Procedures**

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

**Objective**

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

**Purchase Procedures**

**NOTE: All Figures in this policy are exclusive of GST**

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.



\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.
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### **Capital Expenditure**

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

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

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

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

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

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

### **Orders for Goods & Services**

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

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

1. Deputy Chief Executive Officer
2. Director Technical & Development Services
3. Manager Technical Services – Rural (road construction and plant only)



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

1. Managers
2. Coordinator Property Services

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

1. Coordinators
2. Works Supervisor (Newman and Marble Bar)

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to a maximum value of \$2,000:

1. Duty Officers – Newman Aquatic Centre
2. Team Leader – Works Crew (Newman)
3. Field Officer and client Services – Martumili
4. Technical Services Administration Officer
5. RPT Bus Driver
6. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
7. Asset and Procurement Officer

#### **Light Vehicle Purchases**

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

#### **Consultants Services**

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

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

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



### **Light Vehicle Disposals**

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

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

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

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

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

### **Regulatory Compliance**

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

1. An emergency situation as defined by the Local Government Act 1995;
2. 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;
3. The purchase is under auction which has been authorised by Council;
4. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
5. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
6. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.





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

1.2 Foster a great place to work

1.2.3 Plan, attract and maintain staff  
Responsible officer: MHR  
Timing: 1-5 years

### **FINANCIAL IMPLICATIONS**

The existing budgeted amount is \$500,000 through CLGF funding. The balance of \$66,000 is to be sourced from Youth Centre Concept Drawings capital expenditure 89017. The Youth Centre project has a budget of \$300,000 of which nil has been spent. This project has been delayed until the 2015/16 financial year.

### **VOTING REQUIREMENTS**

Absolute.

### **OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Award Tender 15-2014/15 Newman Administration Building Extension to Megara Construction PTY LTD for the tendered price of \$566,000.00 (gst ex)**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between the Shire and Megara Construction PTY LTD with respect to this Tender.**
- 3. Approve the additional expense to be sourced from Youth Centre Concept Drawings capital account 89017.**

#### 9.2.4 ADOPTION OF DISABILITY ACCESS AND INCLUSION PLAN 2015 - 2019

<b>Attachments:</b>	<a href="#">DRAFT DAIP MAY 2015.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Pip Parsonson</b> <b>Manager Community Wellbeing</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

To seek Council's adoption of the Disability Access and Inclusion Plan 2015 – 2019 and approval to lodge the adopted Plan with the WA Disability Services Commission.

#### BACKGROUND

Pursuant to section 28(1) of the Disability Services Act 1993 ("the Act"), each public authority must have a Disability Access and Inclusion Plan. The Shire of East Pilbara has a Disability Access and Inclusion Plan 2010 – 2014, which was adopted by Council on 24 September 2010.

Pursuant to section 28(7) of the Act, each public authority must review its Disability Access and Inclusion Plan not more than five (5) years from the date it was lodged with the Disability Services Commission. ("the Commission"). The current Shire of East Pilbara Disability Access and Inclusion Plan was submitted to the Commission in 2010. Although five years have not passed since the Disability Access and Inclusion Plan was lodged with the Commission, the Plan is no longer current as it was dated 2010 – 2014. Accordingly, the Disability Access and Inclusion Plan has now been updated and is presented to Council for endorsement.

#### COMMENTS/OPTIONS/DISCUSSIONS

Pursuant to section 28(10) of the Act, a public authority must undertake public consultation when preparing, reviewing or amending a Disability Access and Inclusion Plan.

Community consultations and a formal review by consultants E-Qual on the Disability Access and Inclusion Plan 2010 – 2014 were conducted in the summer of 2013/14. E-Qual presented a report on the community consultations and the review of the Plan to the Shire in January 2014.

The consultation process for the DAIP review was open for a three week timeframe leading up to the end of year school holidays and Christmas-New Year period 2013/14. There were a total of 25 community members/service providers who engaged with the consultation process and 23 staff members from the Shire of East Pilbara who also participated in the process.

The consultation was advertised or promoted:

- On the Shire's website and specific page for the DAIP.
- Through 'All Shire staff' internal emails
- Community Noticeboards
- Hard copies available at public building and service providers.

The various consultation methods used included:

- A community survey form. This was available in hard copy from all council operating facilities i.e. Newman Recreation Centre, Newman Youth Centre, Marble Bar Administration Office, Newman House.
- The survey form was also available online on the Shires' website.
- Focus groups with Service Providers in Newman, Nullagine and Marble Bar
- One on one discussion with Community members.
- Semi structured discussions at the Disability Awareness Week BBQ hosted by DSC in Newman.
- Internal staff survey available on our website and via email, as well as face to face discussions with staff.

Findings from the staff and community consultation responses found that:-

- 61% of staff were not aware of the Shire's Disability Access and Inclusion Plan
- 82% of staff had not received disability awareness training from previous employers or the Shire.
- 74% of staff would be interested in doing Disability Awareness Training.
- Shire staff and community recommended that alternative formats for Shire information and website material should be publicised and available to the public.
- Respondents wanted the Shire to establish an annual workshop for staff and the community to improve awareness of disability and access issues.
- Public building facilities and spaces should be annually audited to ensure facilities are compliant with current legislation in Newman, Nullagine and Marble Bar.
- Respondents felt that a reference group should be established with SOEP Staff, service providers and community members to support the implementation of the DAIP.
- There was strong support for advocacy initiatives to improve employment options and support for people living with disability.
- The majority of community members were not aware of disability services in the East Pilbara and felt that the disabled parking bays in town were not signed appropriately.
- There could be improved community awareness campaigns initiated on disability issues in the East Pilbara.

Findings from the consultation process found that the major accessibility needs for the East Pilbara are:-



- Difficulties of accessing public venues i.e. public pools did not have hoist or ramp access.
- Lack of footpath accessibility in Nullagine and Marble Bar.
- Access to information in alternative formats is not available through community services in the East Pilbara.
- Web access to Shire and community websites not available in alternative formats.
- Lack of community awareness around access and inclusion issues.

The consultation provided a variety of views on access and inclusion in the East Pilbara. Issues for community members and staff included:-

- Lack of community and staff awareness on disability issues and access in the East Pilbara.
- Access to alternative formats not widely available at the Shire and local businesses and organisations.
- Lack of clear signage for disabled parking bays in Newman, Nullagine and Marble Bar
- Lack of footpath access in Nullagine and Marble Bar.
- A ramp and pool hoist for the public pools.

The feedback also raised some issues outside the Shire's responsibility which the Shire could refer on to local working groups, enterprise and state government such as;

- Education on the responsibility of the carers.
- Emergency management in cyclone season for people with a disability.
- Lobby for additional services to assist people, family and carers with a disability.
- Increase of public transport between remote communities.
- Lack of respite and disability services in the East Pilbara.

The updated Disability Access and Inclusion Plan 2015-2019 includes strategies to redress many of the issues as identified in the E-Qual report. The report also mentions a decision to include a voluntary new outcome within the Plan that includes strategies to promote disability and inclusion awareness within the broader community of the East Pilbara. This has been added as a new Outcome in the updated Draft Disability Access and Inclusion Plan 2015 – 2019.

In April 2013 the Disability Services Commission notified all public authorities in WA of an amendment to DAIPs that require the addition of a new outcome, 'Outcome 7: Employment of People with Disability' in all Disability Access and Inclusion Plans. Amended DAIPs that include the addition of Outcome 7 are to be submitted to the Disability Services Commission by 1 July 2015. Outcome 7: Employment of People with Disability' is included in the updated Draft Disability Access and Inclusion Plan 2015 – 2019.

In February 2015 the Manager Community Wellbeing reviewed the E-QUAL report and recommendations and incorporated many of the consultation findings and recommendations into this (attached) updated DAIP along with the new Outcome 7 requirements for Employment of People with Disability.

The Draft DAIP was approved for public exhibition by the Council at its meeting on 6<sup>th</sup> March 2015 for a four week period. The public exhibition of the Draft DAIP was advertised in the North West Telegraph and on the Shire's web site, inviting public comment. No submissions or comments were received by Council by the advertised closing date on 15 April 2015.

The attached Draft DAIP remains largely unchanged from the one submitted to the 6<sup>th</sup> March meeting. On review by the Manager Community Wellbeing, some of the 'Task Timeline' deadlines in the Implementation Plan have been altered to better reflect realistic work demands.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Disability Services Act (WA) 1993: Sections 28 - 29B

Disability Services Regulations (WA) 2004: Sections 5 - 10

### **POLICY IMPLICATIONS**

Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 2 – Social – Planned Actions**

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

##### 2.4 Diverse and inclusive communities

###### 2.4.1 Promote diverse, harmonious and caring communities

Responsible officer: MCW

Timing: 1-3 years

###### 2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

#### **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.

##### 1.2 Foster a great place to work

###### 1.2.1 Engaged and valued workforce

Responsible officer: MHR

Timing: 1-3 years

###### 1.2.2 Encourage employee health and wellbeing

Responsible officer: MHR

Timing: 1-3 years

- 1.2.3 Plan, attract and maintain staff  
Responsible officer: MHR  
Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Adopt the Draft Disability Access and Inclusion Plan 2015 – 2019**
- 2. Approve the lodgement of the adopted Disability Access and Inclusion Plan 2015 – 2019 with the WA Disability Services Commission**

### 9.2.5 NULLAGINE COMMUNITY SPACES

<b>File Ref:</b>	<b>STR-3-4</b>
<b>Attachments:</b>	<a href="#">Nullagine Business Plan Report pdf</a> <a href="#">Education DG letter.pdf</a> <a href="#">Email - MCS.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

For Council to give direction on the further development of the Nullagine Community Space project.

### BACKGROUND

The Report into Youth and Family & Children's Services Delivery – Nullagine and the "Nullagine Blue Paper" both highlighted the need for a community / evacuation centre for the town of Nullagine. A consultant, Creating Communities, was then engaged to further development the possibility of constructing this centre.

Council moved the following motion at the 12 December 2014 Council meeting –

That Council

1. *Receive the draft "Towards Creating Sustainable Community Spaces in Nullagine" document;*
2. *Endorse Option A1, being the development of a community hub on lot 19/20 for further development of the infrastructure;*
3. *Endorse the further development of the joint management approach as set out in the draft document.*

**COUNCIL RESOLUTION: 201415/126**

**MOVED: Cr Bidy Schill**

**SECONDED: Cr Gerry Parsons**

**THAT Council**

1. *Receive the draft "Towards Creating Sustainable Community Spaces in Nullagine" document;*
  2. *Endorse Option B, being the development of a community hub on lot 19/20 for further development of the infrastructure;*
  3. *Endorse the further development of the joint management approach as set out in the draft document.*
-

CARRIED  
RECORD OF VOTE: 9  
- 0

*Reason for Non Acceptance of Officer's Recommendation: Council's preference was for option B rather than removing an employee's residence.*

### COMMENTS/OPTIONS/DISCUSSIONS

The following comments are included for Council's information in making a decision as to the future of this project.

The draft report has been updated to include costings on Option B. The current estimated value of construction of the multi-purpose centre and moving existing buildings is \$3,120,000.

Based on a general life cycle costings calculation the following on-going costs can be attributed to this building –

- Operating Costs	50,000
- Annual Maintenance costs based on 2.5%	75,000
- Renewal Allowance based on 2.5%	75,000
	\$200,000 per annum

It is suggested that the initial capital costs have been underestimated particularly when noting the site preparation costs. This is reinforced when we note the exclusion list, which include: -

- Piled foundation systems
- Rock excavation; and others, as set out in the report.

This will make a considerable difference to the final cost.

Further investigation has also been made into the current use of Gallop Hall on the understanding that the multi-purpose centre will be the relocation site for these activities. It was shown that in the past six months Gallop Hall had been used twice. These figures were provided by the CRC who now undertake the booking of the hall under their MOU with the Shire of East Pilbara.

A response to the "*Towards Creating Sustainable Community Spaces in Nullagine*" document was requested from the Emergency Services Department at the Shire of East Pilbara. The following excerpts are from the Manager Community Safety's synopsis of the proposal of an evacuation centre. The entire email is attached for information.

*"Previously the Irrungadji community has been housed in the police station or the school when it had been determined that an evacuation of the community was warranted, both these sites are perfectly adequate during an **emergency**".*

A circular distributed by the Director General Department of Education, to all school principals, should also be noted and is attached for information. An excerpt is attached below:–

*“Emergency service agencies may require school premises to be used as shelters and disaster coordination points. I encourage you to take a lead role in providing school facilities for this use during an emergency.*

The following points were raised previously when reporting to Council on this project and included in the draft report:-

*“The under-utilisation of the courts is not due to their condition which is somewhat acceptable – it is due to the lack of access to sporting equipment, organised activities and shade....*

*“The only viable locations for the community / evacuation facility, while on high ground, are cut off from the other parts of the town and from any access to the main road out of Nullagine...*

*“There appears to be a significant social and geographical divide between the Aboriginal Irrungadji community and the non-Aboriginal community, which directly impinges on the overall function and cohesion of the community. This can directly impact the effective use of community assets.”*

Officers are therefore requesting further clarification from Council on the development of this project. Considering the very high initial capital expense and ongoing expense of a multi-purpose building, the lack of usage of existing facilities and the lack of tenable management model, the town of Nullagine might benefit from a different approach.

A possible alternative is:

- No new multi-purpose be built;
- Relocation of existing buildings to the Massingham site to form a community hub. To include the CRC building, the community library, Gallop Hall if feasible and possibly the gym;
- A landscape plan for this area be developed;
- An activation plan of these facilities and the upgraded courts be initiated.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.59. Commercial enterprises by local governments (pg 72)

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC COMMUNITY PLAN**

### **Goal 2 – Social – Planned Actions**

- 2.4.1 Promote diverse, harmonious and caring communities  
Responsible officer: MCW  
Timing: 1-3 years

- 2.4.2 Build strong community groups, networks and governance  
Responsible officer: MCW  
Timing: 1-5 years
- 2.4.3 Provide relevant and affordable community services  
Responsible officer: MCW  
Timing: 1-5 years
- 2.4.4 Equity and opportunities for all  
Responsible officer: MCW  
Timing: 1-3 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  
Responsible officer: MCW  
Timing: 1-3 years
  - 2.1.3 Encourage high rates of participation in community activities and events  
Responsible officer: MCW  
Timing: 1 year
  - 2.1.4 Support individual and community health  
Responsible officer: MCW  
Timing: 1-5 years

### **FINANCIAL IMPLICATIONS**

For consideration in the 2015/2016 budget.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Receive the updated draft "Towards Creating Sustainable Community Spaces in Nullagine" document;**
- 2. Formalise the use of the education facilities for emergencies;**
- 3. Consider the following alternative to the construction of a multi-purpose building be investigated:**
  - Further develop the existing community hub including the CRC building, the library and Gallop Hall;**
  - Consider any flood mitigation works for area;**
  - Develop a landscape plan for this area;**
  - Develop an activation plan of these facilities and the upgraded courts.**



**9.2.6 AFFIXING THE COMMON SEAL TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE NULLAGINE COMMUNITY RESOURCE CENTRE AND THE SHIRE OF EAST PILBARA**

**File Ref:** ORG-12-1  
**Attachments:** [Nullagine CRC MOU](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Pip Parsonson  
Manager Community Wellbeing  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval of the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Nullagine Community Resource Centre Memorandum of Understanding for the provision of library services for an amount of \$80,000+ GST of \$8,000 for a total amount of \$88,000 for a 24 month term.

**BACKGROUND**

The Shire of East Pilbara had a previous Memorandum of Understanding, (MOU) and Funding Agreement with the Nullagine Community Resource Centre, (NCRC), which officially expired on the 31<sup>st</sup> October 2014. An amendment to the MOU was adopted by Council and is dated 11<sup>th</sup> July 2014.

Conditions and terms of the expired Memorandum of Understanding and Funding Agreement, including the amendment have been honoured whilst a review of the document was recently undertaken by both parties.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Shire has no administrative, shop front or supervisory capacity in Nullagine and the previous MOU with NCRC has provided the capacity for library, and to a limited degree, other shire administrative functions to take place in the town.

The proposed new MOU incorporates most elements of the last MOU and the 11<sup>th</sup> July amendment but also includes the following changes or additions.

- Library opening hours remain a minimum of 25 hours per week, (excluding weeks where public holidays fall), but are now flexible to allow for fluctuations to suit user demand and anticipated cultural events.
  - A requirement that the NCRC in partnership with the SoEP runs cultural events at the library to promote library services within the town.
  - Administration of the SoEP Newman airport resident parking scheme.
  - Administration of the Nullagine gym key and payment processing.
-

The current arrangement of the NCRC undertaking administrative, logistical and cleaning duties relating to the use of the Gallop Hall, as documented in the 11 July 2014 amendment, remains unchanged in the proposed new MOU.

As a result of the joint review of the expired document the following areas of the document have been updated:

***Specifics of the Agreement:***

- a) *This Agreement is valid for 24 months, commencing 1<sup>st</sup> November 2014 and expiring at close of business 31<sup>st</sup> October 2016.*
- b) *The specified annual funding fee is \$44,000 (inclusive of GST) per annum will be paid by The Shire of East Pilbara for services rendered by Nullagine Community Resource Centre Inc. as outlined in the agreement.*

***Purpose of the Agreement:***

*The Nullagine Community Resource Centre Inc. and the Shire of East Pilbara hereby agree to work together to:*

- *Operate the Nullagine Community Library in accordance with the Activity Agreement issued by the State Library of Western Australia and the Town of Port Hedland.*
- *Identify ways to continue to develop the range of services that can be provided by the Nullagine Community Resource Centre and the Nullagine Library.*
- *Facilitate the development of proposals for projects between the two organisations, including exploring possibilities for grants and other forms of funding.*
- *Progress the relevant strategic directions of SOEP's Community Wellbeing Strategy.*

***Funding and Financial Responsibilities:***

*The Shire of East Pilbara agrees to provide financial support to the value of \$44,000 (GST inclusive) annually pro rata to NCRC. This financial support is to be paid in quarterly instalments to the NCRC by electronic funds transfer, upon presentation of a tax invoice. For payment to be released the previous quarterly reconciliation and monthly reports must have been lodged with SOEP.*

*This funding arrangement will be subject to an annual review three (3) months prior to the anniversary of the execution of this MOU. The funding allocation will be reviewed bi-annually in accordance with Consumer Pricing Index and SOEP budget allocations.*

Payment and Reporting Schedule 2014 – 2015

	<b>Annual Dates</b>	<b>Monthly Activity Reports Due for submission to SOEP</b>	<b>Quarterly Payment Released by SOEP</b>	<b>Quarterly Reconciliation Due for submission to SOEP</b>
<i>1<sup>st</sup> Quarter</i>	01/11/2014 – 31/1/2015	10 <sup>th</sup> December 2014 10 <sup>th</sup> January 2015 10 <sup>th</sup> February 2015	15th November 2014	31st February 2015
<i>2<sup>nd</sup> Quarter</i>	1/2/2015 – 30/04/2015	10 <sup>th</sup> March 2015 10 <sup>th</sup> April 2015 10 <sup>th</sup> May 2015	15th February 2015	31st May 2015
<i>3<sup>rd</sup> Quarter</i>	1/5/2015 – 31/7/2015	10 <sup>th</sup> June 2015 10 <sup>th</sup> July 2015 10 <sup>th</sup> August 2015	15th May 2015	31 <sup>st</sup> August 2015
<i>4<sup>th</sup> Quarter</i>	1/8/2015 – 31/10/2015	10 <sup>th</sup> September 2015 10 <sup>th</sup> October 2015 10 <sup>th</sup> November 2015	15th August 2015	31 <sup>st</sup> November 2015

Payment and Reporting Schedule 2015 – 2016

	<b>Annual Dates</b>	<b>Monthly Activity Reports Due for submission to SOEP</b>	<b>Quarterly Payment Released by SOEP</b>	<b>Quarterly Reconciliation Due for submission to SOEP</b>
<i>1<sup>st</sup> Quarter</i>	01/11/2015 – 31/1/2016	10 <sup>th</sup> December 2015 10 <sup>th</sup> January 2016 10 <sup>th</sup> February 2016	15th November 2015	31st February 2016
<i>2<sup>nd</sup> Quarter</i>	1/2/2016 – 30/04/2016	10 <sup>th</sup> March 2016 10 <sup>th</sup> April 2016 10 <sup>th</sup> May 2016	15th February 2016	31st May 2016
<i>3<sup>rd</sup> Quarter</i>	1/5/2016 – 31/7/2016	10 <sup>th</sup> June 2016 10 <sup>th</sup> July 2016 10 <sup>th</sup> August 2016	15th May 2016	31 <sup>st</sup> August 2016
<i>4<sup>th</sup> Quarter</i>	1/8/2016 – 31/10/2016	10 <sup>th</sup> September 2016 10 <sup>th</sup> October 2016 10 <sup>th</sup> November 2016	15th August 2016	31 <sup>st</sup> November 2016

**Reporting:**

*NCRC Reporting requirements are as follows:*

- a) NCRC will provide the SOEP with quarterly reconciliation reports of funds spent in accordance with the NCRC annual budget supplied by NCRC*
- b) Monthly Activity Reports will be submitted to SOEP by NCRC*
- c) NCRC to provide SOEP a copy of the NCRC's Audited Financial Statements for the Association by 31st September each year*

*Report due dates are outlined in the Payment and Reporting Schedule.*

*A Monthly Activity Report template for will be supplied by SOEP to NCRC.*

*To accomplish the purpose and objective set forth in the MOU, partners will meet at least once per quarter to discuss progress and reports.*

**Nature of the Collaboration:**

***Under the terms of this agreement Nullagine Community Resource Centre Inc. will:***

- a) Operate the Nullagine Public Library at Gallop Rd, Nullagine Monday to Friday for a minimum of 25 hours per week*
- b) Provide a high quality and professional library and information service to visitors and intending visitors to Nullagine*
- c) Encourage users of the Library to visit frequently and/or stay longer by providing updates on the activities and services provided by the State Library of Western Australia*
- d) In partnership with SOEP coordinate and run cultural events aimed at promoting active community use of the Library*
- e) Allow SOEP to appoint ex-officio Shire representative on the Nullagine Community Resource Centre Committee of Management*
- f) Explore opportunities for income generation for the Nullagine Public Library*
- g) Explore opportunities for community development projects within the township of Nullagine*
- h) Operate within the terms and conditions of the Constitution of the Nullagine Community Resource Centre Inc.*
- i) Ensure the Shire of East Pilbara is accorded full paid membership status of the NCRC*
- j) Provide reports in line with the reporting schedule*
- k) Supply a copy of the Annual budget (financial year) for the association that indicates how the SOEP funding is allocated*
- l) Supply an asset list of library resources and conduct a half yearly asset review*
- m) Report any Library building maintenance issues to SOEP*
- n) Administer the issuing and charges of the Shire of East Pilbara Resident free parking card at the Newman Airport*
- o) Administer the issuing of gym keys and payments*
- p) Provide administrative services for the booking of the Shire of East Pilbara Public facility Gallop Hall, located in Nullagine*

- q) *Provide cleaning services to Gallop Hall in line with the hire and conditions of use of the facility*
- r) *Will ensure that Nullagine Library staff hold current Working With Children Card and National Police Clearance*

***Under the terms of this agreement the Shire of East Pilbara will:***

- a) *Provide funding of \$44,000 p.a. to the Nullagine Community Resource Centre Inc. payable in (quarterly) instalments via electronic funds transfer*
- b) *Maintain a Community Wellbeing Strategic Plan that will guide the development of Library Services within the East Pilbara*
- c) *Maintain an activity agreement with the State Library of Western Australia and the Town of Port Hedland for regional Library activities for the East Pilbara*
- d) *Support marketing opportunities and projects identified through the NCRC*
- e) *Provide and maintain the buildings of Nullagine Public Library, Gallop Hall and the Gym*
- f) *Reimburse NCRC at the rate of \$30 per hour plus GST for cleaning services of Gallop Hall in line with the hire and conditions of use of the facility*
- g) *Provide cleaning equipment and consumables for the maintenance and cleaning of the Gallop Hall*

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

**4.5 EXECUTION OF DOCUMENTS**

**STRATEGIC COMMUNITY PLAN**

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

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

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. Account number 111378 budget \$40,000.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the application of the common seal of the Shire of East Pilbara to the updated Nullagine CRC Memorandum of Understanding and Funding Agreement for the provision of library services for an amount of \$80,000 + GST of \$8,000 for a total amount of \$88,000 for a twenty four month period.**

**9.2.7 REQUEST FOR REDUCTION IN RATE INCREASE (ENCOUNTER  
OPERATIONS PTY LTD)**

**Attachments:** [Mining Statement.pdf](#)  
[Encounter Operations Pty Ltd](#)

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

**Author:** Ms Tracey Poole  
Rates Revenue Finance Officer

**Location/Address:** A202500 A202501 A202502 A202503 A202561

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider a reduction in rates for five exploration licences registered to Encounter Operations Pty Ltd.

**BACKGROUND**

The Department of Mines and Petroleum have introduced a new rental policy on exploration licences as follow:

1. Non Graticular Exploration Licences increase by 236% after 7 years,
2. Graticular Exploration Licences increase by 53% after 3 years, 111% after 5 years, 300% after 7 years.

As Unimproved Value (UV) of tenements is based on rentals – a further formula is then applied by Landgate – this has meant an increase in the UV rate and subsequently the rate amount charged by the Shire of East Pilbara for properties that have been captured by this new policy.

**COMMENTS/OPTIONS/DISCUSSIONS**

This change in policy has led to several phone calls of complaint to this office of which only one has resulted in a formal request for a reduction in their rate bill. This was received by Encounter Resources Limited and their correspondence is attached for your information.

The below figures show of our current tenements rated under the exploration leases land use:

Current Tenement of Exploration Licences 867.

Current formal request for reduced rates with regard to this query 7 (All Encounter Resources).

It therefore does not seem plausible for us to reduce our rate in the dollar for our exploration tenements. Also it should be noted that we have no way of distinguishing

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how long these mining tenements have been held without researching each assessment with the Department and there may be others who will be affected over the upcoming years.

The five Encounter Resources tenements have increased by approximate 300% on their initial debt.

The increase in the rates was not anticipated by us and therefore has not been allowed for in the budget. Encounter Resources has requested Council consider a reduction in this increase.

“Encounter Resources considers this Interim Rate Adjustment unreasonable, unjustified, inequitable, without basis and unjust...”

The unexpected 300% increase in local government rates would lead to damaging inequitable outcome for Encounter Resources. If applied across the board the expected cost to the company will be over \$40,000 this year. This is not a cost that a company that is already operating at a loss can absorb. Exploration companies do not generate profits and rely on currently depressed equity markets to fund their operations...”

Under the Local Government Act (1995) it is impossible for us to differentiate between exploration leases because of age held therefore the only way we can reduce the rate impost is under the Local Government Act section 6.12(c). This provision has previously been used when increases in rates have been substantial.

It should also be noted that a media statement (attached) has been issued by the Ministers of Mines and Petroleum and Regional Development and Lands stating that these anomalies will be removed for the 2015-16 year.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 6 - Financial management (Division 4 - General financial provisions) 6.12. Power to defer, grant discounts, waive or write off debts (pg 217)

- (1) Subject to subsection (2) and any other written law, a local government may –
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,

Which is owed to the local government.

\* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.



The increase of rates for the five tenements is as follows:

A202500	Original Rate	\$2362.89
	New Rate	\$9627.74
	This is approximately a 300% increase	
A202501	Original Rate	\$590.60
	New Rate	\$2406.82
	This is approximately a 300% increase	
A202502	Original Rate	\$3089.94
	New Rate	\$12590.13
	This is approximately a 300% increase	
A202503	Original Rate	\$1090.56
	New Rate	\$4443.57
	This is approximately a 300% increase	
A202561	Original Rate	\$1226.85
	New Rate	\$4998.98
	This is approximately a 300% increase	

It is therefore suggested that Council consider phasing in the valuation based on not more than 100% increase per year. This would mean writing off \$4,901.96 for assessment A202500, \$1,425.62 for assessment A202501, \$6,410.25 for assessment A202502, \$2,262.45 for assessment A202503, and \$2,545.28 for assessment A202561 for the 2014/2015 year, a total of \$17,545.56

Alternatively, the rates raised remain the same, and the company is liable to pay the full amount.

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

**FINANCIAL IMPLICATIONS**

There will be a reduction of potential income by \$17,545.56. This amount has not been allowed for in the budget.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council write off \$4,901.96 for assessment A202500, \$1,425.62 for assessment A202501, \$6,410.25 for assessment A202502, \$2,262.45 for assessment A202503, and \$2,545.28 for assessment A202561 (a total of \$17,545.56), being the amount charged on their rate assessments that is over 100% of their original debt for the 2014/2015 year.**

### 9.2.8 REVIEW OF THE DELEGATIONS MANUAL

<b>File Ref:</b>	<b>LEG-2-6</b>
<b>Attachments:</b>	<a href="#">Authorisations and Delegations Manual 2014 2015 pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Emma Whakaruru Coordinator Administration Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

For Council to adopt the 2014-2015 Delegations Manual.

### BACKGROUND

Section 5.46(2) of the *Local Government Act 1995* ('the Act') requires Council to review its Delegations Manual once every financial year. Council last reviewed the Delegations Manual on 23<sup>rd</sup> May 2014.

### COMMENTS/OPTIONS/DISCUSSIONS

Minor changes have been made to the Delegations Manual including minor re-formatting of the document and correction of some typos..

### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 4 – Local government employees) 5.46. Register of, and records relevant to, delegations to CEO and employees (pg 155)

### POLICY IMPLICATIONS

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

### STRATEGIC COMMUNITY PLAN

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

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council adopts the 2014-2015 Delegations Manual as presented.**

**9.2.9 SUNDRY DEBTORS WRITE OFF - FORGE GROUP CONSTRUCTION,  
FORGE GROUP POWER & FLEX FORCE**

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

**Author:** Mrs Isabella Kloppers  
Revenue Finance Officer

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

To seek Council approval to write off uncollectable debt to the value of \$9,904.00.

**BACKGROUND**

The three companies mentioned are under administration.

**COMMENTS/OPTIONS/DISCUSSIONS**

Flex Force

Invoice	Date	Amount	Description	Balance
62430	04/04/2014	297.00	NEWMAN TIP FEES FOR THE MONTH OF MARCH 2014 NEWMAN TIP FEES FOR THE MONTH OF MARCH 2014 Tip Fees - C & D Waste - includes bricks, concrete & building rubble GST	297.00
62233	18/03/2014	132.00	Newman Tip Fees for the month of February 2014 Newman Tip Fees for the month of February 2014 GST	132.00

Forge Group Construction

Invoice	Date	Amount	Description	Balance
62140	07/03/2014	30.00	Newman Airport - Season Parker Cards 3rd February to 2nd March 2014 Newman Airport - Season Parker Cards 3rd February to 2nd March 2014 GST	30.00
61796	13/02/2014	278.00	Newman Airport - Season Parker Cards - January 2014 03/01/14 - 02/02/14 Newman Airport - Season Parker Cards - January 2014 03/01/14 - 02/02/14 GST	278.00

Forge Group Power

Invoice	Date	Amount	Description	Balance
62235	18/03/2014	200.00	Newman Tip Fees for the month of February 2014 Newman Tip Fees for the	200.00

			month of February 2014 GST	
62137	07/03/2014	78.00	Newman Airport - Season Parker Cards 3rd February 14 to 2nd March 14 Newman Airport - Season Parker Cards 3rd February 14 to 2nd March 14 GST	78.00
61915	19/02/2014	850.00	NEWMAN TIP FEES FOR JANUARY 2014 NEWMAN TIP FEES FOR JANUARY 2014 GST	850.00
61816	14/02/2014	2241.00	NEWMAN TIP FEES FOR THE MONTH OF DECEMBER 2013 NEWMAN TIP FEES FOR THE MONTH OF DECEMBER 2013 Tip Fees - C & D Waste - includes bricks, concrete & building rubble GST	2241.00
61776	13/02/2014	278.00	Newman Airport - Season Parker Cards - January 2014 03/01/14 - 02/02/14 Newman Airport - Season Parker Cards - January 2014 03/01/14 - 02/02/14 GST	278.00
61706	07/02/2014	50.00	NEWMAN TIP FEES - SHORTFALL FOR OCTOBER 2013 NEWMAN TIP FEES - SHORTFALL FOR OCTOBER 2013 GST	50.00
61363	23/01/2014	360.00	NEWMAN TIP FEES - SHORTFALL FOR SEPTEMBER 2013 NEWMAN TIP FEES - SHORTFALL FOR SEPTEMBER 2013 GENERAL WASTE NEWMAN TIP FEES - SHORTFALL FOR SEPTEMBER 2013 BUILDING WASTE GST	360.00
61301	14/01/2014	78.00	Newman Airport - Season Parker Cards - December 2013 03/12/2013 - 02/01/2014 Newman Airport - Season Parker Cards - December 2013 03/12/2013 - 02/01/2014 GST	78.00
61156	07/01/2014	286.00	SHORTFALL CHARGES - NEWMAN TIP FEES - JULY 2013 SHORTFALL CHARGES - NEWMAN TIP FEES - JULY 2013 GENERAL WASTE GST	286.00
60231	09/10/2013	4204.00	Newman Tip Fees - September 2013 Newman Tip Fees - September 2013 General Waste @ \$22.00 cu mtr Newman Tip Fees - September 2013 Building Waste @ \$17.00 cu mtr GST	4204.00
59999	18/09/2013	70.00	Newman Airport - Season Parker Cards - August 2013 03/08/2013 - 02/09/2013 Newman Airport - Season Parker Cards - August 2013 03/08/2013 - 02/09/2013 GST	20.00
60003	18/09/2013	522.00	Newman Airport - Season Parker Cards - August 2013 03/08/2013 - 02/09/2013 Newman Airport - Season Parker Cards - August 2013 03/08/2013 - 02/09/2013 GST	522.00

Flex Force went into liquidation on the 31<sup>st</sup> July 2014. They are being managed by KPMG.

The Forge Group was placed under administration in June 2014, the administrators being Ferrier Hodgson.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

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

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
  - (b) waive or grant concessions in relation to any amount of money;
  - or
  - (c) write off any amount of money,

which is owed to the local government.

*\* Absolute majority required.*

### **POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

#### POLICY

Nil.

#### PLAN FOR FUTURE OF THE DISTRICT

Nil.

### **FINANCIAL IMPLICATIONS**

Reduction in Sundry Debtors totalling \$9,904.00. An amount of \$5,000 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

### **VOTING REQUIREMENTS**

Absolute.

### **OFFICER'S RECOMMENDATION**

**That the Sundry Debtors listed below be written off:**

**Flex Force: Total debt of \$429.00**

**Forge Group Construction: Total debt of \$308.00**

**Forge Group Power: Total debt of \$9167.00**

**9.2.10 SUNDRY DEBTORS WRITE OFF - PAUL MITCHELL AND PAUL O'CONNOR**

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

**Author:** Mrs Isabella Kloppers  
Revenue Finance Officer

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

To seek council approval to write off uncollectable debt to the value of \$9,138.03.

**BACKGROUND**

Paul Mitchell and Paul O'Connor are both ex-employees of the Shire of East Pilbara.

The charges for Paul Mitchell were all invoiced in the beginning of 2013, who occupied 31 Jabbarup Crescent. Invoice 64002 was raised in August 2014 for cleaning charges at 10 Keedi Street, to be paid by Paul O'Connor.

**COMMENTS/OPTIONS/DISCUSSIONS**

As per the Residential Tenancies Act 1987 both cases were referred to the courts. Both cases were upheld by the court allowing us to retain the Keybond, however this amount does not cover all of the outstanding debts.

Significant effort has been made to retrieve the outstanding monies without results.

Paul Mitchell

Invoice	Date	Amount	Description	Balance
59106	21/05/2013	577.21	Electricity Charge 03/02/2013 - 12/04/2013 Electricity Charge 03/02/2013 - 12/04/2013	577.21
58820	15/04/2013	2000.00	Vacating gardening services at 31 Jabbarup Crescent Vacating gardening services at 31 Jabbarup Crescent	2000.00
58821	15/04/2013	1254.00	recoup costs of vacating house cleaning at 31 Jabbarup Crescent recoup costs of vacating house cleaning at 31 Jabbarup Crescent	1254.00
58566	12/03/2013	112.84	Excess Electricity Charges - 01/08/2012 to 30/09/2012 Excess Electricity Charges - 01/08/2012 to 30/09/2012 GST	112.84
58563	11/03/2013	4022.45	Electricity & Excess Charge - 01/10/12-11/03/13 Electricity Charge - 01/10/12-11/03/13 Excess Electricity Charge - 01/10/12-11/03/13 GST	4022.45



58236	31/01/2013	716.35	Rental Payment - 24/01/2013 - 06/02/2013 Electricity Charge - 01/08/2012 to 30/09/2012 Electricity Charge - 01/08/2012 to 30/09/2012 Rental Payment - 24/01/2013 - 06/02/2013 GST	490.65
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Paul O'Connor

Invoice	Date	Amount	Description	Balance
64002	15/08/2014	680.88	Cleaning Charges at 10 Keedi Street - NEWMAN Cleaning Charges at 10 Keedi Street - NEWMAN Less Keybond Amount GST	680.88

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

- 6.12. Power to defer, grant discounts, waive or write off debts
- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
  - (b) waive or grant concessions in relation to any amount of money;
  - or
  - (c) write off any amount of money,

which is owed to the local government.

*\* Absolute majority required.*

**POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

POLICY

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

**FINANCIAL IMPLICATIONS**

Reduction in Sundry Debtors totalling \$9,138.03. An amount of \$5,000.00 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT the Sundry Debtors listed below be written off:**

Paul Mitchell

Invoice	Date	Amount	Description	Balance
59106	21/05/2013	577.21	Electricity Charge 03/02/2013 - 12/04/2013 Electricity Charge 03/02/2013 - 12/04/2013	577.21
58820	15/04/2013	2000.00	Vacating gardening services at 31 Jabbarup Crescent Vacating gardening services at 31 Jabbarup Crescent	2000.00
58821	15/04/2013	1254.00	recoup costs of vacating house cleaning at 31 Jabbarup Crescent recoup costs of vacating house cleaning at 31 Jabbarup Crescent	1254.00
58566	12/03/2013	112.84	Excess Electricity Charges - 01/08/2012 to 30/09/2012 Excess Electricity Charges - 01/08/2012 to 30/09/2012 GST	112.84
58563	11/03/2013	4022.45	Electricity & Excess Charge - 01/10/12-11/03/13 Electricity Charge - 01/10/12-11/03/13 Excess Electricity Charge - 01/10/12-11/03/13 GST	4022.45
58236	31/01/2013	716.35	Rental Payment - 24/01/2013 - 06/02/2013 Electricity Charge - 01/08/2012 to 30/09/2012 Electricity Charge - 01/08/2012 to 30/09/2012 Rental Payment - 24/01/2013 - 06/02/2013 GST	490.65

Paul O'Connor

Invoice	Date	Amount	Description	Balance
64002	15/08/2014	680.88	Cleaning Charges at 10 Keedi Street - NEWMAN Cleaning Charges at 10 Keedi Street - NEWMAN Less Keybond Amount GST	680.88

**9.2.11 MONTHLY FINANCIAL STATEMENTS - FEBRUARY 2015**

<b>Attachments:</b>	<a href="#">March 2015 Variance Report.doc</a> <a href="#">March 2015 Financial Statements.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Candice Porro</b> <b>Senior Finance Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

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

**BACKGROUND**

The attached 13-page report details the financial activities of the Council for the period 1<sup>st</sup> March 2015 to 31<sup>st</sup> March 2015 of the 2014/2015 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 –*

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

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

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

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

#### **POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

##### POLICY

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

##### PLAN FOR FUTURE OF THE DISTRICT

Nil.

#### **FINANCIAL IMPLICATIONS**

This report discloses financial activities for the period under review.

#### **VOTING REQUIREMENTS**

Simple.

#### **OFFICER'S RECOMMENDATION**

**That the monthly financial statements for the period 1<sup>st</sup> March 2015 to 31<sup>st</sup> March 2015 of the 2014/2015 financial year as presented be received.**

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**9.2.12 CREDITORS FOR PAYMENT**

**File Ref:** FIN10-2

**Attachments:** [Schedule of Accounts EFT.pdf](#)  
[Schedule of Accounts Cheque.pdf](#)  
[Schedule of Accounts Manual Chq.pdf](#)

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

**Author:** Mrs Jeanette Bessell  
Finance Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council endorsement of payment to creditors.

**BACKGROUND**

As per the attachment list, outlines payments made to creditors since the Council meeting on the 24th April 2015.

**COMMENTS/OPTIONS/DISCUSSIONS**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT28168 – EFT28454	\$2,755,919.77
	<b>Total</b>	<b>\$2,755,919.77</b>
Cheque Payments	CHQ23513 – CHQ23542	\$51,273.28
Manual Cheque Payments	CHQ230 – CHQ231	\$28,543.18
	<b>Total</b>	<b>\$79,816.46</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,835,736.23</u></b>

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

**CANCELLED AND UNUSED CHEQUES:**

UNUSED CHEQUES

NIL

CANCELLED CHEQUES & EFTS

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EFT28316 and EFT28344

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

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

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

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

**POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

**FINANCIAL IMPLICATIONS**

Total expenses of \$2,835,736.23

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT28168 – EFT28454	\$2,755,919.77
	<b>Total</b>	<b>\$2,755,919.77</b>
Cheque Payments	CHQ23513 – CHQ23542	\$51,273.28
Manual Cheque Payments	CHQ230 – CHQ230	\$28,543.18
	<b>Total</b>	<b>\$79,816.46</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,835,736.23</u></b>

### 9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

#### 9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISION - APRIL 2015

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

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

*(b) determine the local government's policies.*

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

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

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

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the “Status of Council Decisions” – Director Technical and Development Services for April 2015 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin would like plaques/signs about the history & stories of the desert roads e.g: rabbit proof fence. People always stop to read on their travels and SOEP needs recognition for these roads.	DTDS CEO DCEO	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and marked points of interest for future tourist mapping. Executive to allocate resources to develop themes and seek funding	Pending
23 May 2014	13.1	CAPE KERAUDREN BOAT RAMP Cr Stephen Kiernan asked if the width of the boat ramp can be looked at, as it could be a hazard especially at night time.  Director Technical and Development Officer to follow up.	MTS-R	Final concrete works to ramp scheduled for May 2015	May 2015
30 January 2015	13.5	MARBLE BAR HOUSE NUMBERING Cr Dean Hatwell asked for an update regarding the house numbers.	TSAO	A brochure to advertise the street numbers is being finalised	May 2015
6 March 2015	13.15	TAXI STAND – TOWN CENTRE Cr Anita Grace asked if the taxi stand can be moved as she felt it is in the wrong location. Sometimes there	DTDS	Investigation in Progress	May 2015

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		are many people waiting and they sit on the road causing more problems with commuters walking and driving.			
24 April 2015	13.1	ANIMAL MANAGEMENT IN RURAL REMOTE INDIGENOUS COMMUNITIES - (AMRRIC) CAME TO NULLAGINE Cr Bidy Schill said AMRRIC came to Nullagine to sterilize dogs for free for the community and was helped by the Nullagine Police. Only three people turned up to get their dogs sterilized. Is it possible next time AMRRIC come to Nullagine that the Rangers can be involved to put out more information regarding this free service.  Manager Community Safety to follow up.	MCS	Report back on Animal Management Strategy in Nullagine and interagency cooperation (AMRRIC). Report update is in information bulletin	May 2015
24 April 2015	13.2	PAVERS NEXT TO IRON CLAD HOTEL – MARBLE BAR Cr Stephen Kiernan said the pavers are lifting up due to the forklift being used for the Iron Clad Hotel as it is the only loading entrance for the hotel. Can this be looked at as it might have to be concrete?	MTS-R	Investigate damage by forklift and assess whose responsibility to repair etc WR raised	June 2015
24 April 2015	13.3	ROAD SIGN 8KMS MARBLE BAR Cr Stephen Kiernan said there used to be a sign saying 8kms to Marble Bar and is it possible to get this replaced as many tourist think Marble Bar is further and turn off to go to Hedland/Broome.	MTS-R	Request sent to MRWA	Complete

**9.3.2 TENDER RFT16-2014/15 NEWMAN LANDFILL WEIGHBRIDGE**

**File Ref:** LEG-13-41-4  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Ian Hamilton  
Manager Special Projects/Contracts(Contract)  
**Location/Address:** Newman landfill  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

For Council to consider tender for RFT16-2014/15 – Newman Landfill Weighbridge.

**BACKGROUND**

At Shire of East Pilbara Ordinary Council Meeting held 6 March 2015 it was resolved (relevant section quoted):

*“That Council delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 24<sup>th</sup> April, 2015 up to the nominated amounts:*

*RFT 16-2014/15 Newman Landfill Weighbridge Shire Funded GL 109017 \$300,000.”*

Shire officers have reviewed Tender submissions for RFT-2014/15 Newman Landfill Weighbridge / Respondent’s offer that closed 2.00pm, Wednesday, 18<sup>th</sup> March, 2015.

Administration through Councils tenderlink process received one compliant tender for the “ Turnkey “Design, Construction and Commissioning of one, twenty metre Weighbridge and associated infrastructure located at the end of Yates Drive, Newman, WA. In addition, administration received only one alternative submission for the miscellaneous components for the operational management systems weighbridge - industry standard weighbridge software.

	<b>Tenderer:</b>	<b>ABN:</b>	<b>Address:</b>
1.	AccuWeigh	70 060 173 711	12 Kembla Way Willetton WA 6155
2.	Mandalay Technologies	70 103 637 501	1/47 Ashmore Road Bundall QLD 4217

## COMMENTS/OPTIONS/DISCUSSIONS

It will be recommended that Council reject the Tender of RFT16-2014/15 – Newman Landfill Weighbridge due to insufficient adopted funds in the 2014/15 Budget against current market conditions for this “Turnkey” project that included the design, construction and commissioning of a 20m weighbridge as detailed in the tender Scope of Works and Specification.

However, based on Local Government (Functions & General) Regulation 20, that allows administration to seek clarification or minor variations in the goods and services of any tender submission.

Clarification was therefore sought from AccuWeigh pertaining to Civil Construction and Methods.

Through clarification of this item, it was identified if local sub-contractors are utilised instead of non-local sub-contractors being utilised it could represent a potential cost saving to Council and embody “Value for Money” in the Shire of East Pilbara-Strategic Community Plan 2013-2022, Section 5-Civil Leadership Major Capital Projects 1.1, 1.1.1 1.1.2 and 1.1.3.

Administration identified this saving was not minor and therefore did not proceed with any additional tender clarification or discussions with AccuWeigh as it would not be in accordance with Local Government (Functions & General) Regulation 20.

The submitted tender was about 30% above the budget and officer’s will review the costings with the intention of re-advertising next financial year.

## 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.

**LOCAL GOVERNMENT ( FUNCTIONS & GENERAL ) REGULATION 20. STATES:**

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***Variation of requirements before entry into contract***

*(1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

**POLICY IMPLICATIONS**

**10.12 Purchasing and Tender Procedures**

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

**Objective**

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

**Purchase Procedures**

**NOTE: All Figures in this policy are exclusive of GST**

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

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

**Capital Expenditure**

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

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

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

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

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

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



**Orders for Goods & Services**

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

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

1. Deputy Chief Executive Officer
2. Director Technical & Development Services
3. Manager Technical Services – Rural (road construction and plant only)

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

1. Managers
2. Coordinator Property Services

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

1. Coordinators
2. Works Supervisor (Newman and Marble Bar)

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to a maximum value of \$2,000:

1. Duty Officers – Newman Aquatic Centre
2. Team Leader – Works Crew (Newman)
3. Field Officer and client Services – Martumili
4. Technical Services Administration Officer
5. RPT Bus Driver
6. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
7. Asset and Procurement Officer

**Light Vehicle Purchases**

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

**Consultants Services**

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

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

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

**Light Vehicle Disposals**

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

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

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

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

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

**Regulatory Compliance**

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

1. An emergency situation as defined by the Local Government Act 1995;
2. 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;
3. The purchase is under auction which has been authorised by Council;
4. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
5. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
6. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.

**STRATEGIC COMMUNITY PLAN**

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

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

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

**1.1 EFFICIENT AND EFFECTIVE LOCAL GOVERNMENT**

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

Responsible officer: DCEO

Timing: As appropriate

**1.1.2 Continued strong financial management**

Responsible officer: DCEO

Timing: N/A

**1.1.3 Effective business management**

Responsible officer: DCEO

Timing: 1-3 years

**FINANCIAL IMPLICATIONS**

Resource requirements exceed the existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

- 1. THAT Council not accept any of the tenders for RFT16-2014/15 – Newman Landfill Weighbridge.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**  
26th June 2015, Nullagine
- 15 CLOSURE**