



## **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, 24 JULY, 2015.

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



## **DISCLAIMER**

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

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

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

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

## **WRITTEN CONFIRMATION**

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

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

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**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  
Shane Carter  
Craig Hoyer  
Gerry Parsons  
Dean Hatwell  
Biddy Schill

Shire President  
Deputy Shire President

Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Rick Miller  
  
Mrs Sheryl Pobrica

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

Public Gallery

**2.2 APOLOGIES**

Councillor Apologies

Stephen Kiernan

Officer Apologies

Nil

**2.3 LEAVE OF ABSENCE**

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

**4 PUBLIC QUESTION TIME**

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**5.1 BHP BILLITON IRON ORE PRESENTATION**

Mr Julius Matthys, Vice President Corporate Affairs WA, BHP Billiton Iron Ore will be providing a presentation update to Council.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

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

**7.1 CONFIRMATION OF MINUTES**

[Minutes June 26 2015 Council.DOCX](#)

**OFFICER'S RECOMMENDATION**

**THAT** the minutes of the Ordinary Meeting of Council held on 26 June 2015, be confirmed as a true and correct record of proceedings.

**7.2 CONFIRMATION OF PRC MINUTES 29<sup>TH</sup> JUNE 2015**

[PRC Council Minutes 29.06.2015](#)

**OFFICER'S RECOMMENDATION**

**THAT** the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 29<sup>th</sup> June 2015, be received.

**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

**8.2 ITEMS FOR INFORMATION**

## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - JUNE 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 June 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>
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	To discuss options with PDC	On going
26 June 2015	13.3	NORTHERN AUSTRALIA WHITE PAPER Cr Lang Coppin asked for a letter of support be sent regarding the Northern Australia White Paper.  CEO responded this will be considered for Council in the future.	CEO	Agenda Item to be completed	August 2015



**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS  
- JUNE 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 June 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	August 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	August 2015
6 March 2015	13.9	NULLAGINE GYM Cr Biddy 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.  Ms Sian Appleton said they are looking into this with different options eg: CRC Nullagine holding the key and taking payments for the use of the	DCEO	Still being investigated	September 2015

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

**24 JULY, 2015**

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<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>
		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	September 2015
22 May 2015	9.2.5	NULLAGINE COMMUNITY SPACES	DCEO	Further work being undertaken as per resolution	December 2015

## 9.2.2 COUNCIL BUDGET 2015/2016

**File No:** FIN-23-10  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To adopt Council's budget for the 2015/2016 financial year.

### BACKGROUND

Council is required to adopt its budget for 2015/2016 by the 31<sup>st</sup> August 2015. The draft budget (under separate cover) has been compiled with regard to Council's strategic documents, resolutions of Council over the last 12 months and input from Councillors and Council Officers.

### COMMENTS/OPTIONS/DISCUSSIONS

Council must adopt the budget by the 31<sup>st</sup> August 2015, or seek an extension from the Minister for Local Government.

### STATUTORY IMPLICATIONS/REQUIREMENTS

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

6.2. *Local government to prepare annual budget*

(1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

#### **Local Government (Financial Management) Regulations 1996**

Part 3 — Annual budget — s. 6.2

22. *Form and content of annual budget (Act s. 6.2(1))*

- (1) *The annual budget of a local government is to be in a form that includes the following —*
- (a) *an income statement;*
  - (b) *a cash flow statement;*
  - [(c) *deleted*]
  - (d) *a rate setting statement showing details of —*
    - (i) *the revenue and expenditure that have been taken into account to determine the budget deficiency; and*
    - (ii) *the total amount of the general rates to be imposed; and*
    - (iii) *any deficit or surplus remaining after the imposition of the general rates;*
  - (e) *in relation to the rates proposed to be imposed by the local government, the information set forth in regulation 23;*

- (f) *in relation to the service charges proposed to be imposed by the local government, the information set forth in regulation 24;*
- (g) *in relation to the fees and charges proposed to be imposed by the local government, whether under the Act or under any other written law, the information set forth in regulation 25;*
- (h) *in relation to —*
  - (i) *any discount or other incentive proposed to be granted for early payment of any amount of money; or*
  - (ii) *the proposed waiver or grant of a concession in relation to any amount of money; or*
  - (iii) *the proposed writing off of any amount of money,*  
*the information set forth in regulation 26;*
  - (i) *notes containing the information set forth in regulation 27 and such other supporting notes, tables and other information as the local government considers will assist in the interpretation of the annual budget.*
- (2) *The financial information disclosed in the annual budget, other than the cash flow statement, is to be compiled on an accrual accounting basis.*

## **POLICY IMPLICATIONS**

3.3 Budget Preparation

3.5 Budget Management – Capital Acquisitions

## **STRATEGIC COMMUNITY PLAN**

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management

Responsible officer: DCEO

## **FINANCIAL IMPLICATIONS**

To allow for the Council's financial operations for the 2015/2016 financial year.

## **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Adopt the 2015/2016 draft budget as presented;**
- 2. Adopt the schedule of rates, sewerage rates, fees and charges and rubbish, as detailed.**

### 9.2.3 FINANCIAL REPORTING AND MATERIALITY

**File Ref:** FIN-23-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

For Council to consider and approve the level of materiality required under the Local Government (Financial Management) Regulations 1996 34(5), for financial reporting in respect of variances and the original adopted budget.

#### BACKGROUND

Local Government (Financial Management) Regulations 1996 34(5) requires each financial year, a Local Government adopt a percentage or value, calculated in accordance with AASB 1031, to be used in the statement of financial activity for reporting material variances. Council need to take into account the level of materiality which it is to adopt, as explanations for each material variance is required as per the Local Government (Financial Management ) 1996 Regulations 34(2).

#### COMMENTS/OPTIONS/DISCUSSIONS

Under Local Government (Financial Management) 1996 Regulations 34(5) Each financial year, a Local Government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formally AAS 5 ), to be used in the statement of financial activity for reporting material variance.

Local Government (Financial Management) Regulations 1996 34(2) requires an explanation for each material variance in the Statement of Financial Activity against the original adopted budget.

As per AASB 1031.9, information is material if its omission, misstatement or non-disclosure has the potential to adversely affect decision about the allocation of scarce resources made by users. It also can affect the discharge of accountability by the management or government body of the entity.

As local governments are not for profit entities they are primarily concerned with the achievements of objectives rather than the generation of profit, the material variance need to be assessed carefully.

The Shire of East Pilbara Financial Management Reports use a materiality threshold to measure, monitor and report on the financial performance and position of the

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Shire. Currently the materiality threshold used is variances greater or lower than 10% of the original adopted budget, and greater than \$10,000 in value.

Under AASB 1031.15, quantitative thresholds are used as guidance for determining the materiality of the amount of an item or an aggregate of items. It is therefore recommended that in the Financial Management Reports this materiality be applied to a sub function level.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

**Local Government Act 1996 (Part 4) – Section 6.4**

**Local Government (Financial Management) Regulations 1996**

Part 4—Financial reports—s.6.4

**34. Financial activity statement required each month (Act s. 6.4)**

(1A) .....

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**AASB 1031 – Materiality – July 2004**

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

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

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management  
Responsible officer: DCEO

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.



**OFFICER'S RECOMMENDATION**

**THAT Council adopt a material variance plus or minus 10% of the original budget and a value greater than \$10,000, to be applied per sub-function level, for the financial year ended 2015/2016.**

#### 9.2.4 FREEDOM OF INFORMATION 2015

**File Ref:** LEG-9-3-1  
**Attachments:** [Freedom of Information 2015.docx](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Emma Whakaruru  
Coordinator Administration Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To seek Councils endorsement of the Freedom of Information Statement 2015 in accordance with Part 5 of the *Freedom of Information Act 1992*.

#### BACKGROUND

It is a compliance requirement of the *Freedom of Information Act 1992* that Council accept an up to date Freedom of Information Statement every twelve months.

#### COMMENTS/OPTIONS/DISCUSSIONS

The Freedom of Information Statement has recently been updated and is attached for Councils approval.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 7 - Access to information) 5.91. Interpretation (pg 185)

Part 5 - Administration (Division 7 - Access to information) 5.92. Access to information by council, committee members (pg 185)

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

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

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

1.1 Efficient and effective local government

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

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**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the Freedom of Information Statement 2015 in accordance with Part 5 of the *Freedom of Information Act 1992*.**

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### 9.2.5 CREDITORS FOR PAYMENT

**File Ref:** FIN10-2

**Attachments:** [Schedule of Accounts\\_Cheque.pdf](#)  
[Schedule of Accounts\\_Chq.pdf](#)  
[Schedule of Accounts\\_EFT.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 26th June 2015.

### COMMENTS/OPTIONS/DISCUSSIONS

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT28954 – EFT29462	\$6,342,681.21
	<b>Total</b>	<b>\$6,342,681.21</b>
Cheque Payments	CHQ23614 – CHQ23653	\$37,882.42
Manual Cheque Payments	CHQ238 – CHQ240	\$2,244.17
	<b>Total</b>	<b>\$40,126.59</b>
	<b>GRAND TOTAL</b>	<b><u>\$6,382,807.80</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

#### CANCELLED CHEQUES & EFTS

EFT29241 and EFT29283

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**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 \$6,382,807.80

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT28954 – EFT29462	\$6,342,681.21
	<b>Total</b>	<b>\$6,342,681.21</b>
Cheque Payments	CHQ23614 – CHQ23653	\$37,882.42
Manual Cheque Payments	CHQ238 – CHQ240	\$2,244.17
	<b>Total</b>	<b>\$40,126.59</b>
	<b>GRAND TOTAL</b>	<b><u>\$6,382,807.80</u></b>

### 9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

#### 9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - JUNE 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 June 2015 be received.**

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS 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
30 January 2015	13.5	MARBLE BAR HOUSE NUMBERING Cr Dean Hatwell asked for an update regarding the house numbers.	DTDS TSAO	Brochure to be distributed after budget adopted. Shire to install numbers on all Shire Buildings	August 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 are many people waiting and they sit on the road causing more problems with commuters walking and driving. Councillors discussed and felt that the existing taxi stand next to the pool is all that is needed for a town of this size. The Director Technical and Development Services to arrange removal of the designated taxi bays in the town centre carpark.	DTDS	Taxi Drivers to be advised and Works Request raised to remove the 2 taxi signs and bays.	August 2015
26 June 2015	13.2	WATER FOUNTAIN MARBLE BAR SKATE PARK Cr Stephen Kiernan asked if a water fountain can be installed	MTS-R	Works request raised to be investigated and costed	August 2015



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

**24 JULY, 2015**

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COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		at the skate park in Marble Bar.			
26 June 2015	13.4	<b>MARBLE BAR HERITAGE TRAIL</b> Cr Dean Hatwell said the heritage trail signs are in poor condition and if it is possible for these to be replaced and updated. It was mentioned that this may be already be replacement signs stored at the Marble Bar Depot.	MTS-R	Works request raised to be investigated and actioned as required	August 2015

**9.3.2 TENDER RFT 17-2014/15 - ARCHIVE BUILDING & ANIMAL  
MANAGEMENT FACILITY**

<b>File Ref:</b>	<b>LEG-13-4-17</b>
<b>Attachment:</b>	<b>Proposed Facility Layout</b> <a href="#">Plans Animal Management Area</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical &amp; Development Services</b>
<b>Author:</b>	<b>Mr Ian H</b> <b>Special Projects/Project Manager (Consultant)</b>
<b>Location/Address:</b>	<b>Works Depot, Cnr Welsh and Woodstock Drives, Newman</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 tender submissions for the Archive Building & Animal Management Facility Tender and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract of the successful tenderer.

**BACKGROUND**

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

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

The Tender was for the appointment of a contractor to demolish existing facilities and construct a 136m<sup>2</sup> Archive Building and a combined Animal Management Facility with associated infrastructure located at the Shire's Works Depot, cnr Welsh and Woodstock Drives, Newman, as per:

- Demolition of two existing storage facilities (Existing shed and associated infrastructure);
  - Construction of a 136m<sup>2</sup> Archive Facility including fire suppression, 24/7 air conditioning unit/s;
  - Construction of Dog Pound Facility (including dog exercise area);
  - Construction of Cat Facility;
  - Construction of Chicken Facility;
  - All asphalt areas including parking;
  - Security lighting and 24/7 automated security gate; and
  - Drainage and landscape works
-

The Tender was advertised in the West Australian newspaper on the 16<sup>th</sup> May, 2015 and also on the Tenderlink Portal. The Tender was originally scheduled to close at 2.00pm Wednesday, 10<sup>th</sup> June, 2015, however the Shire issued an Addendum (No. 2) on the 9<sup>th</sup> June, 2015 advising that the closing date was extended to 2.00pm Friday, 12<sup>th</sup> June, 2015.

The Shire also issued an Addendum (No. 1) on the 8<sup>th</sup> June, 2015 which stated *"Please be advised that with respect to Clause 1.5 (Selection Criteria) and the Lump Sum Price Schedule Table on page 20 of the RFT documentation, the Principal reserves the right for Council to make a resolution, to select one component, multiple components from the list of nine, or all nine components to be awarded to the Contractor to be undertaken upon award of a Contract."*

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

A mandatory site inspection formed part of the tender process and occurred at 10.00am on the 26<sup>th</sup> May, 2015. One tenderer, Ahrens Group Pty Ltd attended this mandatory site inspection.

At close of Tender, Tender submissions were received from two companies, with one of these submissions including both a conforming submission and an alternative response for consideration:

- 1) Megara Constructions Pty Ltd (Non Conforming)
- 2) Ahrens Group Pty Ltd (Conforming)
- 3) Ahrens Group Pty Ltd (Alternative Response)

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

Relevant Experience	Weighting 25%
Skills & Experience of Key Personnel	Weighting 10%
Methodology	Weighting 5%
Demonstrated Understanding	Weighting 20%
Price Consideration	Weighting 40%

Value for money and costing also formed part of the assessment and consideration.

A full assessment of the tender submissions and associated costings are attached under separate confidential cover.

The difference in the costings between the Ahrens original tender option 1 and their option 2 alternative response, is that Ahrens in their alternative response in "Preliminaries...Design, Construction and Commissioning" believe they can redesign the Archive building and Animal Management Facility by using tilt-up panels only where the fire wall restriction are required on the boundary wall of Council's depot land and three meters into Council depot and utilising alternative building methods/materials for the rest of the facility that will both comply with Australian Standards and Private Certification therefore reducing the cost. Administration have reviewed Ahrens alternative response and will recommend the costing that is

most advantageous to Council and within funding as itemised in point 5.1 Summary Statement, " Value for Money" All new design drawings on the alternative building methods/materials must be submitted by Ahrens (including private certification) to Administration and approved by Administration before any works can commence. The results of the tender assessment indicate that the Alternative Response received from Ahrens Group Pty Ltd is the most advantageous to Council, offering local knowledge, skills and demonstrated ability in this area. Ahrens Group's

Alternative Response demonstrates best value for money by:

- Demolition of two existing storage facilities;
- Construction of a 136m<sup>2</sup> Archive Facility with no air conditioning or fire suppression (including office);
- Construction of Dog Pound Facility (including dog exercise area);
- Construction of Cat Facility;
- Construction of Chicken Facility and
- All Parking areas will now be of a compacted base and sub base structure similar to road construction methods.

Works would be expected to commence upon execution of the Contract, with the above works to be completed by December, 2015.

The successful Tenderer's Contract will also require Shire execution under common seal.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

#### **10.12 PURCHASING AND TENDER PROCEDURES**



### 10.12 Purchasing and Tender Procedures

<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 with 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
7. Asset and Procurement Administration Officer
8. Marble Bar Mechanic
9. Community Wellbeing Administration 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):

7. An emergency situation as defined by the Local Government Act 1995;
8. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1995 apply;
12. 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
Review/Amendment Date	12 December 2014		9.2.2
Review/Amendment Date	30 January 2015	Item No	9.2.6
Review/Amendment Date	6 March 2015	Item No	9.2.11
Next Review			

#### 4.5 EXECUTION OF DOCUMENTS

**Minute No: Item 9.1.3**

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

##### **Objective**

To allow for the proper execution of documents.

##### **Policy**

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

#### **STRATEGIC COMMUNITY PLAN**

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

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

1.1 Efficient and effective local government

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

#### **FINANCIAL IMPLICATIONS**

Resource requirements will be in accordance with budgetary allocation.

Tender No.	Description	Expenditure Account	2015/2016 Budget Amount (ex GST)
RFT 17-2014/15	Archive Building and Animal Management Facility	GL 49037 GL 59019	\$300,000 \$330,000

### VOTING REQUIREMENTS

Absolute.

### OFFICER'S RECOMMENDATION

THAT Council

1. Award tender RFT 17-2014/15 Archive Building and Animal Management Facility to Ahrens Group Pty Ltd (Alternative Response) for the Fixed Lump Sum Price \$571,544.00 ex gst to undertake the following works:

Item	Component	Fixed Price (Exc GST)
1	Preliminaries Design, Construction and Commissioning	\$86,920.00
2	Demolition of two existing facilities (shed and associated infrastructure)	\$18,960.00
3	Construction of a 136sqm Archive facility with no air conditioning, no fire suppression. (including office)	\$280,550.00
4	Construction of Dog Pound Facility (including dog exercise area)	\$ 107,364.00
5	Construction of Cat Facility	\$16,390.00
6	Construction of Chicken Facility	\$28,090.00
7	Construct parking areas to a compacted gravel road standard allowing for future sealing.	\$33,270.00.
<b>FIXED LUMP SUM TOTAL (ex GST) For all works in accordance with the Specification and Drawings including connection of facilities (excluding Archive Shed Component) to existing leach drain.</b>		<b>\$571,544.00</b>

2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between the Shire and Ahrens Group Pty Ltd with respect to this Tender.

**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**

28th August 2015, Newman

**15 CLOSURE**