

**Unconfirmed copy of Minutes of
Meeting held on 24 May 2013 subject to
confirmation at meeting to be held on
28th June 2013**

SHIRE OF EAST PILBARA

These minutes were confirmed by the council
as a true and accurate record at the ordinary
council meeting held on 28 / 6 / 2013



Brairie

EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 24 MAY, 2013.

**Allen Cooper
CHIEF EXECUTIVE OFFICER**

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	5
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	5
2.1	ATTENDANCES	5
2.2	APOLOGIES	5
2.3	LEAVE OF ABSENCE	5
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
4	PUBLIC QUESTION TIME	6
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	6
6	APPLICATIONS FOR LEAVE OF ABSENCE	6
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	6
7.1	CONFIRMATION OF MINUTES.....	6
8	MEMBERS REPORT	6
8.1	ITEMS FOR RECOMMENDATION	6
8.2	ITEMS FOR INFORMATION.....	6
9	OFFICER'S REPORTS	8
9.1	CHIEF EXECUTIVE OFFICER	8
9.1.1	CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS – APRIL 2013.....	8
9.1.2	AFFIXING COMMON SEAL TO LANDLORD'S CONSENT - RAW HIRE PTY LTD.....	11
9.1.3	5 YEAR PLAN FOR THE TOWN OF NULLAGINE 2013-2018 - COMPILED BY CONCERNED RESIDENTS OF NULLAGINE - APRIL 2013.....	13
9.1.4	APPLICATION TO INSTALL A MONUMENT AT THE MARBLE BAR PIONEER CEMETERY	15

9.1.5	NEW DELEGATION - BUILDING ACT 2011 - INFRINGEMENT NOTICES	19
9.1.6	STRATEGIC WORKFORCE PLAN	23
9.1.7	PUBLIC COMMENT - QUEENS BIRTHDAY PUBLIC HOLIDAY ALTERNATIVE DATE	25
9.1.8	RESPONSIBILITY FOR CONDUCT OF LOCAL GOVERNMENT ORDINARY ELECTION	28
9.1.9	NEW POLICY - FORMAL COMMUNICATION POLICY - ELECTED MEMBERS.....	31
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	39
9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - APRIL 2013	39
9.2.2	AFFIX COMMON SEAL TO STRATEGIC INITIATIVE FUNDING – INDIGENOUS VISUAL ARTS INDUSTRY SUPPORT FOR MARTUMILI ARTIST	42
9.2.3	AFFIXING COMMON SEAL TO FINANCIAL ASSISTANCE AGREEMENT - SHIRE OF EAST PILBARA - MARTUMILI ARTISTS INFRASTRUCTURE PROJECT	45
9.2.4	AFFIXING COMMON SEAL TO THE SOFTWARE LICENCE AND SUPPORT AGREEMENT - CAMBRON PTY LTD	48
9.2.5	CORPORATE BUSINESS PLAN	50
9.2.6	ASSET MANAGEMENT PLAN - BUILDINGS	53
9.2.7	DRAFT BUSINESS CASE - COWRA TOURIST AND RECREATION PRECINCT.....	56
9.2.8	MOONDOOROW COMMUNITY HOUSING BUSINESS CASE .	59
9.2.9	DRAFT BUSINESS CASE - MARTUMILI INFRASTRUCTURE PROJECT	62
9.2.10	NEWMAN CIVIC CENTRE CONCEPT DESIGN AND RECOMMENDATIONS	65
9.2.11	RECOMMENDATION FOR LEASE OF GALLOP HALL UNTIL 31ST JULY 2014 BY EAST PILBARA INDEPENDENCE SUPPORT INC.	68
9.2.12	PUBLIC NOTICE OF DIFFERENTIAL RATING	70
9.2.13	MONTHLY FINANCIAL STATEMENTS MARCH 2013	74

9.2.14	CREDITORS FOR PAYMENT.....	80
9.2.15	REVIEW OF MEETING ATTENDANCE FEES AND MEMBER ALLOWANCES.....	83
9.2.16	TENDER RFT 09-2012/2013 NEWMAN RECREATION MASTERPLAN	87
9.2.17	TRANSFER OF OPERATING FUNDS INTO CAPITAL.....	90
9.3	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES ...	92
9.3.1	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - APRIL 2013	92
9.3.2	ASSET MANAGMENT PLAN – ROADS AND PATHSWAYS.....	96
9.3.3	ASSET MANAGMENT PLAN - PLANT & FLEET	99
9.3.4	TENDER RFT 08-2013/2013-PANEL OF PREQUALIFIED TRADE SERVICE PROVIDERS.....	102
9.3.5	PROPOSED CLOSURE OF PORTIONS OF TOWN CENTRE ROADS.....	112
9.3.6	PROPOSED EXCISION OF LAND FROM RESERVE 38512 (BOOMERANG OVAL).....	116
9.3.7	APPLICATION TO KEEP MORE THAN TWO DOGS, MR THOMAS FOX, 1 FRANCIS STREET, MARBLE BAR WA 6760.	120
9.3.8	USE OF MARBLE BAR SHIRE OFFICE AS AN INCIDENT CONTROL CENTRE DURING EMERGENCIES.....	123
9.3.9	SHIRE OF EAST PILBARA EMERGENCY MANAGEMENT ARRANGEMENTS	127
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	130
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	130
11.1	TENDER RFT 07-2012/2013 – CONSTRUCTION OF EXERCISE NODES, LANDSCAPING AND ROAD RESURFACING WORKS BE ACCEPTED AS ITEM 11.1.1....	130
11.1.1	TENDER RFT 07 2012/2013 - CONSTRUCTION OF EXERCISE NODES, LANDSCAPING AND ROAD RESURFACING WORKS.....	130
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS.....	134

13 GENERAL BUSINESS..... 134

13.1 LIVE EXPORT 134

13.2 WALGA – BANNERS ON THE TERRACE..... 134

13.3 PARKING ON VERGES..... 134

13.4 MAJOR PROJECTS 134

13.5 UPDATE LOCAL SIGNS 134

13.6 BLOODYSLOW CUP 134

13.7 WARRAWAGINE ACCESS ROAD..... 134

13.8 HOMESWEST HOUSING 134

13.9 SHIRTS FOR COUNCILLORS..... 135

13.10 FORTESCUE FESTIVAL FLOAT PARADE 135

**13.11 CONSTITUTIONAL RECOGNITION OF LOCAL
 GOVERNMENT 135**

14 DATE OF NEXT MEETING 135

15 CLOSURE 135

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:00 AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Anita Grace
Cr Shane Carter
Cr Craig Hoyer
Cr Gerry Parsons
Cr Doug Stead
Cr Kevin Danks
Cr Dean Hatwell

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

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

Mrs Sheryl Pobrica

Public Gallery

Mr Richard Barstow
Senior Sergeant Shane Sadler
Mr Tim Langmead
Ms Vicki James

Auzcorp
Newman Police Station
Fortescue Metals Group
Fortescue Metals Group

2.2 APOLOGIES

Councillor Apologies

Cr Stephen Kiernan

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Cr Darren Bennetts

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

MOVED: Cr Doug Stead

SECONDED: Cr Shane Carter

[Minutes April 19 2013 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/362

THAT the minutes of the Ordinary Meeting of Council held on 19 April 2013, be confirmed as a true and correct record of proceedings.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Craig Hoyer

- Attended Newman Senior High School Expo

Cr Kevin Danks

- Attended Marble Bar Race Club Meeting
- Attended Marble Bar Tourist Association

Cr Shane Carter

- Attended PRC Meeting in Perth
-

- Attended Meeting with Shane Warne Auzcorp Fund Raiser Function
- Attended RRG Meeting

Cr Doug Stead

- Attended EPIS Board Meeting 02/05/2013
- Attended EPIS Strategic Plan 15/05/2013

Cr Gerry Parsons

- Attended Newman Boulevard Shopping Centre Visit
- Attended Newman Mainstreet Meeting

Cr Anita Grace

- Attended Newman Boulevard Shopping Centre Visit
- Attended Presided Australian Citizenship Ceremony
- Attended PRC Meeting in Perth
- Attended Meeting with Shane Warne Auzcorp Fund Raiser Function

Cr Lynne Craigie

- Attended Meeting with Shane Warne Auzcorp Fund Raiser Function
- Attended PRC Meeting in Perth
- Attended PDC Meeting in Karratha
- Attended ANZAC Ceremony
- Attended WALGA State Meeting x 2
- Attended Horizon Power Meeting
- Attended Architect Meeting in Perth.

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS – APRIL 2013

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/363

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT the “Status of Council Decisions” – Chief Executive Officer for April 2013 be received.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 September 2012	13.5	INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman.	CEO	Shortlist Compiled	
8 February 2013	9.1.12	LEASE - LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF "TOWN CONSTRUCTION FLY CAMP", NEWMAN	CES	Subject to Ministerial approval of lease prices	
15 March 2013	9.1.1	NEW POLICY – EQUITY AND ACCESS	CEO	Corporate Discussion May 2013	
15 March 2013	10.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	CEO	To be completed	
15 March 2013	10.1.3	ENDORSEMENT OF THE SHIRE OF EAST PILBARA REPEAL LOCAL LAW 2013	CES	Advertised	
19 April 2013	9.1.5	DEVELOPMENT ASSESSMENT PANELS: LOCAL GOVERNMENT NOMINATIONS	CES	Letter sent for DAP assessment panel nominations	

9.1.2 AFFIXING COMMON SEAL TO LANDLORD'S CONSENT - RAW HIRE PTY LTD

File Ref: A701887
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: Newman Airport
Name of Applicant: Raw Hire Pty Ltd
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Landlord's Consent document for Raw Hire Pty Ltd mortgaging its lease at the Newman Airport to Westpac.

BACKGROUND

Raw Hire Pty Ltd has mortgaged its lease at the Newman Airport to Westpac. The Shire has consented to that lease, and that lease has been registered at Landgate so as to enable Westpac to register its mortgage.

Westpac's lawyers have now prepared a Landlord's Consent and have asked that the Shire sign that Landlord's consent.

The Shire's solicitors have reviewed the Landlord's Consent. They have advised that the Landlord's Consent is a market standard document which does not materially impact the Shire's rights as landlord.

Essentially, the Landlord's Consent provides that the Shire must not terminate the lease following tenant default without first giving Westpac (as mortgagee) an opportunity to step in and rectify the default.

Further, the Shire must not amend, vary, terminate or otherwise deal with the lease in any way detrimental to the interests of Westpac as mortgagee of the lease, without first giving notice to Westpac.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire's solicitors have advised that the Landlord's Consent does not materially impact the Shire's rights as landlord and is therefore in order for execution by the Shire.

Due to the urgent nature of having this document signed/sealed, the common seal was applied to the Landlord's Consent before Council approval could be sought. This agenda item is seeking approval from Council for using the common seal on this document.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/364

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Landlord's Consent document for Raw Hire Pty Ltd mortgaging its lease at the Newman Airport to Westpac.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer.

**9.1.3 5 YEAR PLAN FOR THE TOWN OF NULLAGINE 2013-2018 - COMPILED
BY CONCERNED RESIDENTS OF NULLAGINE - APRIL 2013**

File Ref: CSV-12-1

Attachments: [Nullagine 5 Year Plan.pdf](#)
[2011 Census Nullagine.pdf](#)
Under Separate Cover

Responsible Officer: Mr Allen Cooper
Chief Executive Officer

Author: Mr Allen Cooper
Chief Executive Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider any action required from the document compiled by the concerned residents of Nullagine.

BACKGROUND

At the Council meeting on the 19th April 2013, Cr Stephen Kiernan tabled a document on behalf of Cr Darren Bennetts titled 5 Year Plan for the Town of Nullagine 2013-2018, compiled by concerned residents of Nullagine April 2013.

The document states to have come from a “town meeting” held on the 10th April 2013, attended by 23 persons – as listed in the front of the document.

The paper is based on Councils strategic document for Nullagine “ProspectUS – future directions for Nullagine.

Staff have indicated that feedback from the residents of Nullagine is welcomed.

A number of the items mentioned in the document, can be considered maintenance matter, other ideas will have to be considered in line with Councils long term strategic direction.

COMMENTS/OPTIONS/DISCUSSIONS

Nullagine was founded as a township in 1895 and currently has a population of approx. 125 people, with approximately 35% being under the age of 19. Council does have considerable resources and infrastructure in the town.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

ProspectUS Future Directions for Nullagine

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

Maintenance items will be covered within existing budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/365

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council

- 1. Receive the document as tabled.**
- 2. Have staff prepare a list of items that could be considered maintenance items.**
- 3. Consider the information contained in the document in the next review of ProspectUS – Future Direction for Nullagine.**

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

To be actioned by Mr Allen Cooper, Chief Executive Officer.

**9.1.4 APPLICATION TO INSTALL A MONUMENT AT THE MARBLE BAR
PIONEER CEMETERY**

File Ref: A238639
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: Marble Bar Pioneer Cemetery - Reserve 4783
Name of Applicant: Allison Gear
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider an application to install a monument at the Marble Bar Pioneer Cemetery.

BACKGROUND

Council at its meeting on the 28th September 2012, item 9.1.5 resolved;

THAT Council support the applicants request for the internment of ashes of Lois Kathleen Rose Gear at the Marble Bar Pioneer Cemetery subject to the relevant forms being completed and the applicable fees paid.

This application is to install a monument on the grave of the late Mrs Kathleen Mackay, the mother of Lois Kathleen Gear located at grave number 178, located on the far side of the cemetery from the gate entrance.

The ashes of Lois Kathleen Gear will be interned within the monument.

As far as staff are aware the monument has been purchased and is in Marble Bar awaiting installation.

COMMENTS/OPTIONS/DISCUSSIONS

To approve or not approve the application.

STATUTORY IMPLICATIONS/REQUIREMENTS

Cemeteries Act 1986

Part VI – Management of closed cemeteries

43. Vesting control of closed cemetery

(1) The Governor may, by order published in the Gazette, vest the care, control and management of a cemetery closed under the Cemeteries Act 1897 or this Act, in a Board or other person.

- (2) *Every closed cemetery the care, control and management of which is vested in a Board under subsection (1) shall be deemed to be a cemetery for the purposes of this Act, but no burial may be permitted in the cemetery except in accordance with section 4(2) or with the written approval of the Minister under section 12.*

Cemeteries Local Law 2010

5.6 Disposal of ashes

- (1) *A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or in the form prescribed in Schedule 13, for permission to dispose of the ashes in a cemetery and upon payment of a set fee, the local government may grant permission for the ashes to be disposed of by one of the following methods –*
- (a) *niche wall;*
 - (b) *family grave;*
 - (c) *bush memorial; or*
 - (d) *other memorials approved by the local government.*
- (2) *If the application referred to in subclause (1) is approved by the local government, the local government may issue to the applicant an authority in the form prescribed in Schedule 14.*
- (3) *Subject to subclauses (4) and (5), a person shall not place the ashes of the deceased person in the cemetery.*
- (4) *An authorised officer may place the ashes of the deceased person in the cemetery in accordance with the local government approval provided –*
- (a) *the person requesting the placement of the ashes has the permission of the local government; and*
 - (b) *the ashes are placed within an area set aside for that purpose by the local government.*
- (5) *An authorised officer may place the ashes of the deceased person within a grave in accordance with local government approval provided, the person requesting the placement of the ashes has lodged evidence to the satisfaction of the local government that a holder of the grant in respect of the grave in which the ashes are to be placed, has consented to or would not object to the placement and has the written permission of the local government.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/366

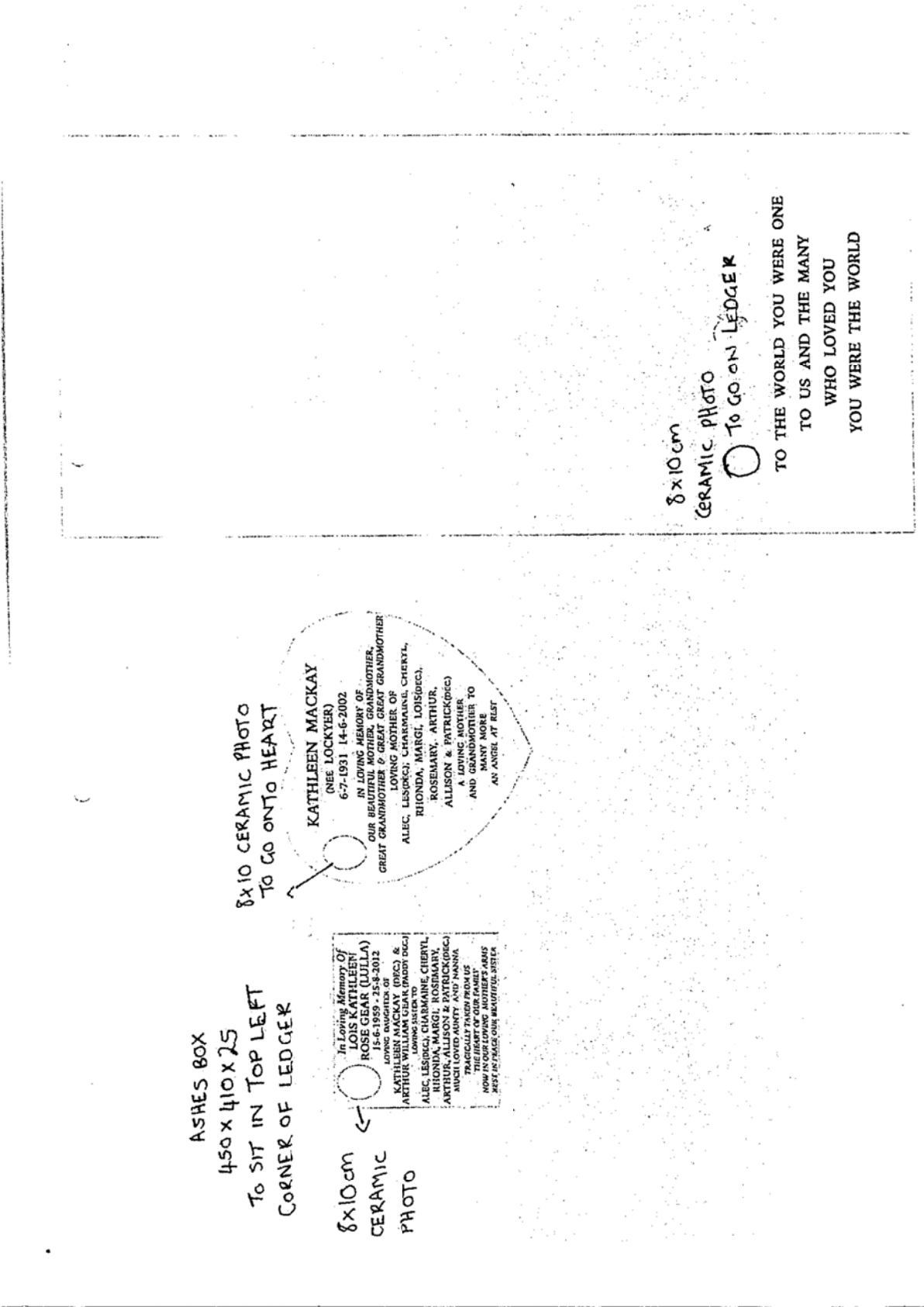
MOVED: Cr Shane Carter

SECONDED: Cr Kevin Danks

THAT Council approve the application to install a monument in the Marble Bar Pioneer Cemetery at the grave of Kathleen MacKay.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer.



8x10cm
CERAMIC PHOTO
○ To GO ON LEDGER
TO THE WORLD YOU WERE ONE
TO US AND THE MANY
WHO LOVED YOU
YOU WERE THE WORLD

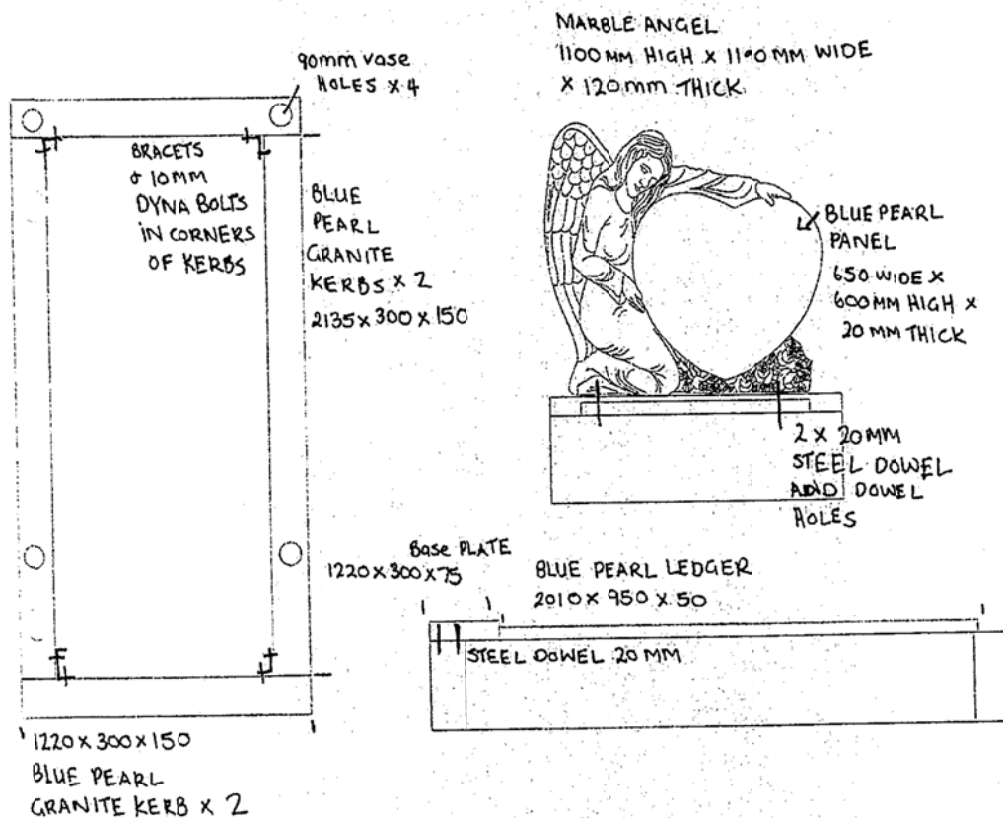
8x10 CERAMIC PHOTO
To GO ONTO HEART

KATHLEEN MACKAY
(NEE LOCKYER)
6-7-1931 14-6-2002
IN LOVING MEMORY OF
OUR BEAUTIFUL MOTHER, GRANDMOTHER,
GREAT GRANDMOTHER & GREAT GREAT GRANDMOTHER
LOVING MOTHER OF
ALEC, LES (DEC); CHARMAINE, CHERYL,
RHONDA, MARGI, LOIS (DEC),
ROSEMARY, ARTHUR,
ALLISON & PATRICK (DEC)
A LOVING MOTHER
AND GRANDMOTHER TO
MANY MORE
AN ANGEL AT REST

ASHES BOX
450 x 410 x 25
To SIT IN TOP LEFT
CORNER OF LEDGER

8x10cm
CERAMIC
PHOTO

In Loving Memory Of
LOIS KATHLEEN
ROSE GEAR (LULLA)
1925-2012
LOVING DAUGHTER OF
KATHLEEN MACKAY (DEC) &
ARTHUR WILLIAM GEAR (PADDY DEC)
LOVING MOTHER OF
ALEC, LES (DEC), CHARMAINE, CHERYL,
RHONDA, MARGI, ROSEMARY,
ARTHUR, ALLISON & PATRICK (DEC)
MUCH LOVED AUNT AND NANNY
TRAGICALLY TAKEN FROM US
THE 14th OF JUNE 2002
NOW IN PEACE WITH OUR BEAUTIFUL MOTHER
MAY SHE REPOSE IN PEACE



9.1.5 NEW DELEGATION - BUILDING ACT 2011 - INFRINGEMENT NOTICES

File Ref:

LEG-2-6

Responsible Officer: Mr Allen Cooper
Chief Executive Officer

Author: Mrs Kylie Bergmann
Coordinator Executive Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation; Building Act 2011 – Infringement Notices.

BACKGROUND

In March 2013, the Shire received notification from the Building Commission that new regulations came into effect, allowing for infringement notices to be issued for the following offences:

Offences		Modified Penalty (\$)
r.50(1)	Enclosure of private swimming pool	100
r.56	Requirement to have smoke alarms or similar prior to transfer of dwelling	750
r.58	Requirement to have smoke alarms or similar prior to tenancy	750
r.59	Requirement to have smoke alarms or similar prior to hire of dwelling	750

These regulations came into effect on 19 December 2012.

Regulation 70(2) of the *Building Regulations 2012* empowers the local government to appoint persons to issue infringement notices for the above offences.

Regulation 70(1) of the *Building Regulations 2012* empowers the local government to appoint persons to extend the period for payment of, or the withdrawal of infringement notices for the above offences.

COMMENTS/OPTIONS/DISCUSSIONS

A new delegation is required to allow the CEO and Shire staff to properly administer and enforce the provisions of the *Building Act 2011* and *Building Regulations 2012*. A copy of this delegation is **attached** for Council's consideration.

Council can approve, disapprove or amend the delegation.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/367

MOVED: Cr Dean Hatwell

SECONDED: Cr Doug Stead

THAT Council approve a new delegation – Building Act 2011 Infringement Notices as detailed:

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

Building Act 2011 – Infringement Notices

Delegation From: Council

Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Manager Development Services – Planning

Council File Reference: Property Assessment Number

Legislative Authority for Delegation:

s127(1) Building Act 2011

Delegation

To authorise certain persons as Authorised Officers to issue infringement notices and/or extend the period for payment of, or the withdrawal of infringement notices, under the *Building Act 2011* and *Building Regulations 2012*.

Statutory power being delegated

Reg 70 Building Regulations 2012.

Conditions attached to delegation

Only the Chief Executive Officer may withdraw infringement notices.

Authority to delegate is limited by *s127 Building Act 2011*.

Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation _____

Delegator _____

Delegatee _____

9.1.6 STRATEGIC WORKFORCE PLAN

Attachments:	Strategic Workforce Plan.pdf <u>Under Separate Cover</u>
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mr Allen Cooper Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the Strategic Workforce Plan as part of the Local Government reform initiatives.

BACKGROUND

The Department of Local Government (DLG) requires local government to produce a number of informing strategies as part of the State Governments – Local Government Reform Agenda. These documents have to be submitted to the DLG by the 30th June 2013.

COMMENTS/OPTIONS/DISCUSSIONS

Council has already adopted the Community Strategic Plan and the Corporate Business Plan is included in this agenda.

Council has also adopted the asset management policy and again asset management plans are included in this agenda.

Workforce Planning is seen as a continuous process of shaping the workforce to ensure that it is capable of delivering organisational objectives now and in the future – (Australian National Audit Office, 2004) there for, it forms an integral part of endeavouring to ensure the community plans objectives can be met.

The Workforce Plan suggests a number of additional positions, however it also identifies that difficulties and costs involved with acquiring new staff. It will be the basis to work towards.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part of the State Governments – Local Government Reform Initiatives.

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.

1.2 Foster a great place to work.

FINANCIAL IMPLICATIONS

Any costs will be considered in the long term financial plan.

VOTING REQUIREMENTS

Simple.

COUNCIL RESOLUTION: 201213/

MOVED: Cr Shane Carter

SECONDED: Cr Craig Hoyer

THAT Council adopt the Strategic Workforce Plan as a necessary document within the Local Government Reform Initiative.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer.

**9.1.7 PUBLIC COMMENT - QUEENS BIRTHDAY PUBLIC HOLIDAY
ALTERNATIVE DATE**

File Ref: ADM-14-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To confirm the alternative date for the Queen's Birthday public holiday in Newman.

BACKGROUND

Traditionally the Queen's Birthday public holiday has been set on the Monday of the annual Fortescue Festival weekend in Newman (the 3rd Sunday in August). However, Councillors had recently asked whether this public holiday should be changed to the Monday following the annual Bloody Slow Cup in Newman (usually October).

COMMENTS/OPTIONS/DISCUSSIONS

During the 2012 Annual Community Survey, residents were asked whether "...the Newman Queens Birthday Public Holiday should remain on the Monday after the Fortescue Festival weekend or be changed to the Monday after the Bloody Slow Cup weekend?"

The results were presented to Council at its meeting on 19 April 2013, and are as follows:

Remain/stay where it is	53%
Change it	14%
No opinion/don't care	32%
Don't know/unsure	1%

The results are overwhelming in favour of the Newman Queens Birthday Public Holiday to remain on the same day, that is, on the Monday after the Fortescue Festival.

STATUTORY IMPLICATIONS/REQUIREMENTS

Public and Bank Holidays Act 1972 (WA)

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

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.
- (2) A proclamation made under subsection (1) shall be published in the *Government Gazette* at least 3 weeks before the first day to be affected thereby.
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the *Government Gazette* at least 3 weeks before the first day to be affected thereby.

POLICY IMPLICATIONS

6.7 COUNCIL SUPPORTED/RECOGNISED EVENTS OF COMMUNITY INTEREST

Minute No: 11.1.4

Date: 30 November 2007

Objective

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

Policy

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

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

Newman

Lions Fortescue Festival (3rd Sunday in August)

Australia Day 26th January

ANZAC Day 25th April

Free use of Newman Recreation Centre for:

Policeman's Ball

Newman Senior High School Ball

Lions Fortescue Festival Ball

Free use of Capricorn Oval for:

Fortescue Festival

Marble Bar

Marble Bar Race Day (1st Saturday in July)
Marble Bay Fun Day (Monday after Marble Bar Race Day)
Australia Day 26th January
ANZAC Day 25th April
Free use of Marble Bar Civic Centre for:
Marble Bar Race Ball
Free use of Marble Bar Sports Complex for:
Marble Bar Race Day
Marble Bar Fun Day

Nullagine

Australia Day 26th January
ANZAC Day 25th April

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 – Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/368

MOVED: Cr Anita Grace

SECONDED: Cr Shane Carter

THAT Council confirm that the alternative date for the Queen's Birthday Public Holiday in Newman shall remain on the Monday after the Fortescue Festival weekend.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer.

9.1.8 RESPONSIBILITY FOR CONDUCT OF LOCAL GOVERNMENT ORDINARY ELECTION

File Ref:	CLR-2-1
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider appointing the Electoral Commissioner to conduct the 2013 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 2013 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 19 October 2013, 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 2013.

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.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities.
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Account number 41019 Election Expense will require a provision of approximately \$16,000 (including GST) in the 2013/2014 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 three vacancies and the North, East and 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/COUNCIL RESOLUTION: 201213/369

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

THAT:

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.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9- 0

To be actioned by Mr Allen Cooper, Chief Executive Officer.

9.1.9 NEW POLICY - FORMAL COMMUNICATION POLICY - ELECTED MEMBERS

File Ref:	LEG-2-1
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider adopting the following new policy:

- Formal Communication Policy – Elected Members

BACKGROUND

The purpose of this policy is to establish a process of communication between Elected Members and Employees of the Shire of East Pilbara, and for the access to information by Elected Members to ensure:

- consistency of information to Council;
- accuracy of information to Council;
- no undue pressure is placed on management and staff when Councillors request information at short notice, especially during busy periods; and
- so that information already provided is not provided again, or by different staff members at the same time.

COMMENTS/OPTIONS/DISCUSSIONS

This policy was presented to Council at corporate discussion on 24 May 2013.

The new policy is **attached** for Council's consideration.

Council can adopt, amend or reject this policy.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

s5.92 Access to information by council, committee members

- (1) A person who is a council member or a committee can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
 - (2) Without limiting subsection (1), a council member can have access to –
-

- (a) all written contracts entered into by the local government; and
- (b) all documents relating to written contracts proposed to be entered into by the local government.

Local Government (Rules of Conduct) Regulations 2007

r6 Use of information

(1) In this regulation –

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

(2) A person who is a council member must not disclose –

- (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subregulation (2) does not prevent a person who is a council member from disclosing information –

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

r7 Securing personal advantage or disadvantaging others

(1) A person who is a council member must not make improper use of the person's office as a council member –

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

(2) Subregulation (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

r8 Misuse of local government resources

A person who is a council member must not, either directly or indirectly, use the resources of a local government –

- (a) for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*; or
- (b) for any other purpose,

unless authorised under the Act, or authorised by the Council or the CEO, to use the resources for that purpose.

r9 Prohibition against involvement in administration

- (1) A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.
- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

r10 Relations with local government employees

- (1) A person who is a council member must not –
 - (a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means –
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use offensive or objectionable expressions in reference to a local government employee.
- (4) Subregulation (3)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

Shire of East Pilbara Code of Conduct

POLICY IMPLICATIONS

New Policy Making Guidelines:

- 1. Draft policies are to be in standard format and include policy objectives and the policy statement.
- 2. Discuss reasons for the policy with your supervisor and prepare an amended/final draft.
- 3. The policy is to be presented and discussed at the Executive Management Meeting.
- 4. The policy is to be presented at Corporate Discussion for input from Councillors.
- 5. The policy will then be presented to Council for adoption and inclusion in the Policy Manual.

Note: New policies or major amendments will not be permitted at the annual review of the Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.3 Support for Staff and Councillors

3.4 Maintaining a High Standard of Governance

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/370

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council adopt the Formal Communication Policy – Elected Members, as attached.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

Formal Communication Policy – Elected Members

Minute No: 9.1.9

Date: 24th May 2013

Objective

To establish a process of communication between Elected Members and Employees of the Shire of East Pilbara and for the access to information by Elected Members to ensure:

- consistency of information to Council;
- accuracy of information to Council;
- no undue pressure is placed on management and staff when Councillors request information at short notice, especially during busy periods;
- so that information already provided is not provided again, or by different staff members at the same time.

Definitions

CEO: Means the Chief Executive Officer of the Shire of East Pilbara, or the person appointed to act in that capacity.

Correspondence: Means all forms of written correspondence:

- facsimile
- letter
- email
- memorandum
- works request
- forms
- SMS text messages

It should be noted that in some instances, particularly in relation to complaints, matters should be formally brought to the attention of the CEO in letter form and be signed and dated by the Councillor.

Requests for Work: Means specific instances of a request for works of a minor general maintenance nature, which may be relayed from members of the public. It does not relate to any administrative functions of Council (Policies, Reports etc.).

Senior Employee: Means the Chief Executive Officer, Deputy Chief Executive and/or Director Technical & Development Services, or the person appointed to act in that capacity.

Service Delivery: Means a specific occurrence or instance of work, of a minor and general nature, that has already been carried out.

Staff: Means all employees of the Shire of East Pilbara who are not the CEO or Senior Employees.

Policy

Communication

1. Elected Members may contact the Chief Executive Officer, Deputy Chief Executive Officer or Director Technical & Development Services via telephone to informally discuss Shire or Council business. If considered appropriate, Senior Staff may transfer the call to another staff member to deal with the enquiry.

Elected Members should not telephone staff on their direct lines rather, they should dial (08) 9175 8000 in Newman to speak to a Senior Employee. Under no circumstances, should Elected Members contact staff via their personal mobile phones to make a complaint or enquiry.

2. Enquiries and complaints from Elected Members regarding Service Delivery and Requests for Work shall be delivered using the **attached Councillor's Request for Information/Works Form**. This form shall then be delivered to the Executive Services Administration Officer via email at eso@eastpilbara.wa.gov.au or facsimile on (08) 9175 2668, who will then distribute the request/enquiry to the appropriate staff member.
3. Complaints or comments in relation to staff members are to be directed to the Chief Executive Officer, who will require any complaints to be in writing.
4. Information forwarded via email of a confidential nature, shall be directed to the CEO at ceo@eastpilbara.wa.gov.au. Under no circumstances should any emails relating to formal or confidential Council business be forwarded to staff without the express permission of the CEO.
5. All written correspondence from Elected Members, other than Requests for Work or enquiries relating to Service Delivery, shall be forwarded to the CEO in the first instance.
6. Any Elected Member who wishes to raise a grievance in relation to the Code of Conduct, the Local Government Act, Regulations, or any matter of Council business, shall first raise the matter with the CEO and/or the Shire President and/or the Deputy Shire President.

It should be noted that this does not override the requirements of the Corruption and Crime Commission of Western Australia. Issues which are referred to the CCC will remain confidential.

7. When an Elected Member forwards correspondence from a member of the public, staff will arrange a response, if required. A copy of the response will be forwarded to the Elected Member for their information. In meeting the objectives of this policy, it is appropriate that Shire staff respond to all correspondence on related Council or Shire matters.

8. Elected Members, in acknowledging their role is one of leadership, also acknowledge that they have no capacity to speak with staff individually, with the exception of the CEO and Senior Staff, on matters of Shire or Council business.

However, under some circumstances, the CEO may give permission for an Elected Member to discuss a matter with a staff member. This conversation should be recorded as a file note by the staff member.

9. Elected Members in acknowledging the everyday pressures placed on the CEO and Senior Staff, will where ever possible, make appointments in advance to meet with the CEO or Senior Staff and stating the nature of the request for a meeting.
10. All communications between Councillors that raise particular issues or items for debate shall be forwarded to all Councillors, without exception. This ensures all Councillors are aware of current issues and have the opportunity to express views where considered appropriate.

Ordinary Council Meetings

1. Matters requiring consideration at an Ordinary Council Meeting should be submitted to the Chief Executive Officer via email or facsimile. Once received, the Chief Executive Officer will arrange for the matter to be researched and included on the agenda of the next appropriate Council meeting. Should it be considered more appropriate that the matter be dealt with administratively, the Councillor will be contacted and advised of this and the matter will not be placed on the agenda.

Access to Information

1. Elected Members have information access rights that are additional to those given to the general public. Elected Members can access the following information held by a local government:
 - all written contracts of the local government;
 - all documents relating to written contracts proposed to be entered into by the local government; and
 - any information that is relevant to their functions.

(s5.92(2) *Local Government Act 1995*).
2. Elected Members can have access to any information held by the local government that is relevant to the performance of his or her function under the Local Government Act (s5.92(1) *Local Government Act 1995*). Access arrangements should be made through the Chief Executive Officer.
3. Access to information will be in accordance with requirements under the *Local Government Act 1995*, and Freedom of Information Legislation.

4. Members will not use confidential information to gain advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation (Regulation 7 *Local Government (Rules of Conduct) Regulations 2007*).

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- APRIL 2013**

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 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

2.4.2 Build strong community groups, networks and governance

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/371

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer for April 2013 be received.

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by Council report in draft to be presented to Council in May 2013	On Going
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO	Being project managed by RPS. DA Lodged	On Going
19 April 2013	13.2	MARBLE BAR CEMETERY Cr Stephen Kiernan raised a concern that he had heard that the Marble Bar Cemetery has no available plots. Deputy Chief Executive Officer to follow up.	DCEO	Marble Bar still has a significant number of plots	Completed
19 April 2013	13.4	MARTUMILI ARTIST WALGA CONVENTION 2013 Cr Lynne Craigie requested if Martumili Artists could be special guests at the WALGA Convention 2013 in August to do something similar to an artist in residence program and promote the Shire of East Pilbara in the Pilbara. Deputy Chief Executive Officer to follow up	DCEO		On Going DCEO – spoke with Martumili concerns raised Completed

**9.2.2 AFFIX COMMON SEAL TO STRATEGIC INITIATIVE FUNDING –
INDIGENOUS VISUAL ARTS INDUSTRY SUPPORT FOR MARTUMILI
ARTIST**

File Ref: ABA 13-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Gabrielle Sullivan
Manager Martumili Artists
Location/Address: Department of Regional Australia, Local
Government, Arts and Sport Perth - Office for
the Arts
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that Chief Executive Officer, applied the common seal of the Shire of East Pilbara to a new variation to program funding for the Strategic Initiative Funding – Indigenous Visual Arts Industry Support for \$28,000.00.

BACKGROUND

The Program Name Indigenous Visual Arts Industry Support. This is to support the operations of indigenous art centres and related industry organisations with the aim of building a stronger indigenous visual arts industry. In particular, the funding will be used to purchase IT and audio visual equipment, and customised artwork display furniture.

Indigenous Culture, Languages and Visual Arts Information and Guidelines 2012-2013 & Indigenous Art Centres Strategy and Action Plan the activity period 16/04/2013 to 30/06/2013 funding is \$28,000.00

COMMENTS/OPTIONS/DISCUSSIONS

The Policy states the following:

All documents validly executed will have the common seal affixed and the President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register in accordance with the Policy, hence the need for Council to resolve to approve the application of the common seal to the variation to program funding agreement.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

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

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Nil.

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENT

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

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

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

All documents validly executed will have the common seal affixed and the President and the Chief Executive Officer's attestations affixing the seal. Use of the common

seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/372

MOVED: Cr Doug Stead

SECONDED: Cr Shane Carter

THAT Council note that the common seal of the Shire of East Pilbara be affixed to the Department of Regional Australia, Local Government, Arts and Sport Perth – Office for the Arts, New Variation to Program Funding Agreement for Strategic Initiative Funding – Indigenous Visual Arts Industry Support (Martumili Artist) \$28,000.00

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

To be actioned by Ms Gabrielle Sullivan, Manager Martumili Artists.

**9.2.3 AFFIXING COMMON SEAL TO FINANCIAL ASSISTANCE AGREEMENT -
SHIRE OF EAST PILBARA - MARTUMILI ARTISTS INFRASTRUCTURE
PROJECT**

File Ref: FIN 4-3 (ICR13-12585)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Megan Barham
Coordinator, Martumili Artists
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that Chief Executive Officer, applied the common seal of the Shire of East Pilbara to the Financial Assistances Agreement (FAA) for the Martumili Artists Infrastructure Project – Royalties for Region funding.

BACKGROUND

Funding of \$3,500,000 acquired through the Department of Regional Development and Lands, Regional Infrastructure and Headworks Fund – Pilbara Cities Strategic Infrastructure. This is to deliver Phase 1 of the Martumili Artists Infrastructure Project, comprising:

1. An architecturally designed, civic minded, socially and environmentally sustainable Gallery/Art Space/Administration Building with commercial grade kitchen and caretakers accommodation located on Lot 1913 on Deposited Plan 216630, Newman which will enable Martumili Artists to achieve its full potential by providing a larger retail space, dedicated artists' workspace, commercial kitchen and a fire rated storage area for Martu art
2. Two two bedroom, two bathroom units for staff accommodation Lot 1326 Deposited Plan 214575, Newman to support in the attraction and retention of skilled people to deliver and manage the Martumili Artists program and for caretaker residence.

Activity period is 31 March 2013 to 30 April 2015.

COMMENTS/OPTIONS/DISCUSSIONS

The Policy states the following:

All documents validly executed will have the common seal affixed and the President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register in accordance with the Policy, hence the need for Council to resolve to approve the application of the common seal to the variation to program funding agreement.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

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

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/Duty/Authorisation

Nil.

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENT

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

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

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/373

MOVED: Cr Lang Coppin

SECONDED: Cr Kevin Danks

THAT Council note that the common seal of the Shire of East Pilbara be affixed to the Government of Western Australia Department of Regional Development and Lands for the Financial Assistance Agreement – Shire of East Pilbara – Martumili Artists Infrastructure Project (Royalties for Region Funding) for Gallery Art-space/Administration and housing \$2,800,000 and Project Administration \$700,000.

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

To be actioned by Ms Megan Braham, Coordinator Martumili Artist.

9.2.4 AFFIXING COMMON SEAL TO THE SOFTWARE LICENCE AND SUPPORT AGREEMENT - CAMBRON PTY LTD

Attachments: [Licence Software Contract.pdf](#)
Under Separate Cover

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

11:00 AM Cr Lang Coppin left Chambers.

REPORT PURPOSE

To advise Council that the Common Seal has been affixed to the Cambron Software Licence and Support Agreement.

BACKGROUND

The Cambron software will be used to align employee development and objectives (KPI's) to organisational requirements and will be an invaluable management tool for the Shire.

COMMENTS/OPTIONS/DISCUSSIONS

The Software Licence and Support Agreement is for a five year term, with a cost of \$4,900 per annum.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/374

MOVED: Cr Shane Carter

SECONDED: Cr Lang Coppin

THAT Council endorse the affixing of the Common Seal to the Cambron Software Licence and Support Agreement.

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.5 CORPORATE BUSINESS PLAN

File Ref: STR-3-1
Attachments: [Corporate Business Plan](#)
Under Separate Cover
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

11:01 AM Cr Lang Coppin returned to the Chambers

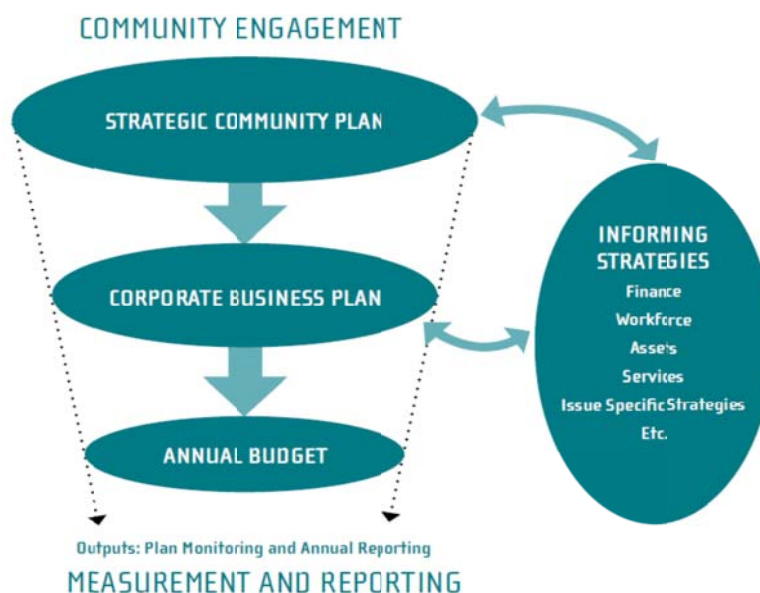
REPORT PURPOSE

For Council to endorse the adoption of the Corporate Business Plan as presented.

BACKGROUND

On 26 August 2010, the Minister of Local Government introduced regulations which established new requirements for the Plan for the Future under the Local Government Act 1995. Under these regulations, all local governments in Western Australia are required to have developed and adopted two key documents by 30 June 2013; a Strategic Community Plan and a Corporate Business Plan – supported and informed by resourcing and delivery strategies. These plans will drive the development of each local government's 2013/2014 Annual budget.

The Elements of the Integrated Planning Framework is set out below:



COMMENTS/OPTIONS/DISCUSSIONS

Regulatory Requirements - A Corporate Business Plan:

- i. Is for a minimum of four (4) years.
- ii. Identifies and prioritises the principal strategies and activities the council will undertake in response to the aspirations and objectives stated in the Strategic Community Plan.
- iii. States the services, operations and projects that a local government will deliver over the period of the plan, the method for delivering these and the associated costs.
- iv. References resourcing considerations such as asset management plans, finances and workforce plans.
- v. Is adopted by an absolute majority.

Regulations also require that:

- i. Notice has been given to the public when the Corporate Business Plan is adopted (or modified)
- ii. The Corporate Business Plan is reviewed annually. This is because it is the main “driver” for the local government’s annual budget.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/375

MOVED: Cr Lang Coppin

SECONDED: Cr Gerry Parsons

THAT Council,

- 1. Endorse the adoption of the Corporate Business Plan as presented.**
- 2. Authorise public notice be given of the adoption of the Corporate Business Plan**

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.6 ASSET MANAGEMENT PLAN - BUILDINGS

File Ref:	FIN-23-2
Attachments:	<u>Under Separate Cover</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the Asset Management Plan – Buildings as a key component of the Shire’s asset management strategy, and fulfil the requirement for the Integrated Planning & Reporting framework.

BACKGROUND

The Department of Local Government (DLG) has released a number of local government reform initiatives to strengthen the ability of local governments to deliver services to the community. A key initiative of the Local Government Reform Program is to improve asset management capability within the local government sector. The objective of the asset management initiative is to:

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

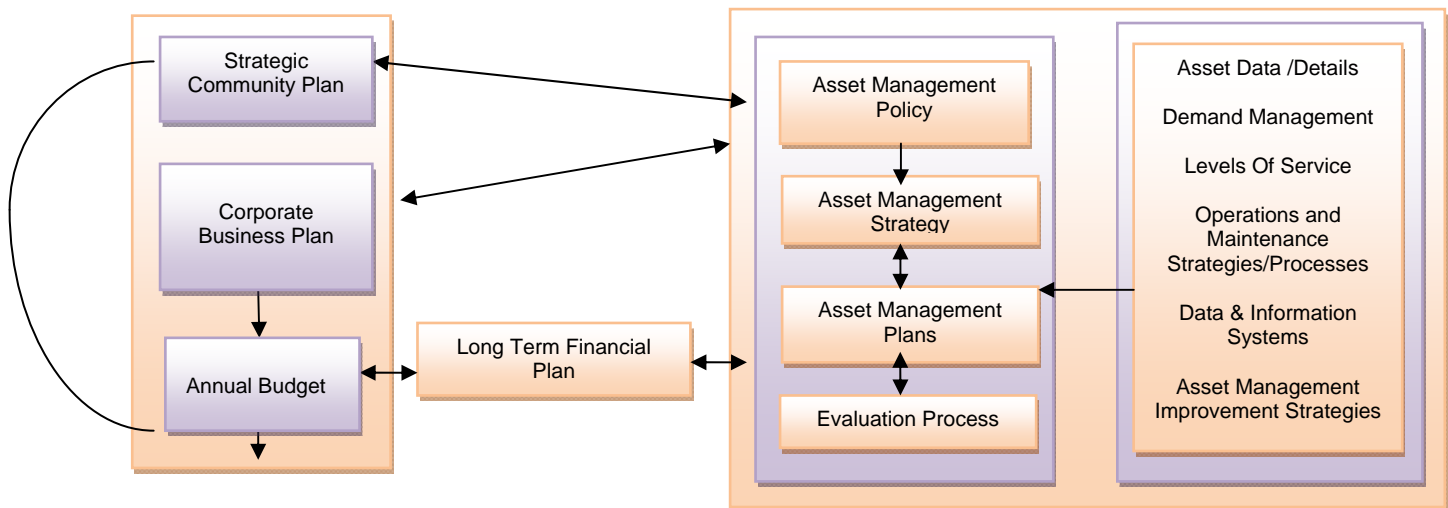
The DLG has developed an Integrated Planning and Reporting Framework, which identifies a strong link between asset management and key corporate documents such as the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Reports.

The Shire of East Pilbara has developed an asset management framework which incorporates the elements of the DLG’s Integrated Planning and Reporting Framework. The asset management framework encompasses this asset management strategy as well as a number of asset management plans and in accordance with the requirements identified by the DLG, it is aimed at improving and enhancing:

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

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

The Shire of East Pilbara's Asset Management Framework is illustrated below:



COMMENTS/OPTIONS/DISCUSSIONS

This Asset Management Plan focuses on the Shire's building assets. This management plan has been prepared in line with IPWEA – NAMS.AU Building Condition and Performance Assessment Guidelines, Practice Note 3 – Buildings.

This Asset Management Plan has been developed to:

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

POLICY 3.2 ASSET MANAGEMENT

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management

Responsible officer: DCEO

Timing: 1 year

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/376

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council endorse the Shire of East Pilbara Asset Management Plan – Buildings.

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 9 - 0

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.7 DRAFT BUSINESS CASE - COWRA TOURIST AND RECREATION PRECINCT

File Ref:	A435501
Attachments:	Draft Business Case – Cowra Tourist and Recreation Precinct <u>Under Separate Cover</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the release of the draft business case – Cowra Tourist and Recreation Precinct for public comment.

BACKGROUND

Council's strategic plans, including the Community Strategic Plan and the Economic Development and Tourism Strategy, highlight the need for additional tourist accommodation in Newman and the development of an events area and overflow sporting area. The Lions Park reserve and adjacent reserve has been determined as a viable site for these developments.

COMMENTS/OPTIONS/DISCUSSIONS

As per the Local Government Act (1995) any project undertaken by a local government over a prescribed amount (currently \$2M for regional Councils) must have a compelling business plan.

The developed business case provides an assessment of the resources, capital investment, management and future growth associated with the development of the Lions Park for an events and short term caravan park. The outcome includes an assessment of all of the responsibilities of Council in establishing agreements, tenancy arrangements and other administrative functions associated with events or Caravan Park operations that provide good governance, management and maintenance of the facilities.

The Project Deliverables for this business case were:

- a) To investigate and review all compliance issues that relate to West Australian State Government laws and regulations applying to event areas and short term caravan parks especially LGA sections 3.58 and 3.59.

- b) To review literature relating to the development of caravan parks as part of West Australian and regional strategies for tourism and short term accommodation including identifying trends in caravan park developments.
- c) Undertake discussions with relevant stakeholders who may have input into the development of both initiatives and record outcomes of these discussions.
- d) To ensure the existing Lions Park activities are included (Lions Den and Animal Sanctuary)
- e) To provide the surrounding community facilities for their use
- f) To review the concept plan having regard for the above and seek approval from Council for any amendments.
- g) To develop concept plans for both initiatives or alternative uses such as including use of the facilities for an overflow sports area based on a report identifying demand, alternative uses and financial sustainability.
- h) Develop concept plans which can be used for the basis of detailed plans as finance becomes available for the development of both initiatives.
- i) Identify and develop a management plan for the Lions Park Reserve that includes a draft management arrangement, operational aspects for both initiatives and marketing plan for both initiatives.
- j) Undertake an assessment of any associated infrastructure such as road works or other aspects.
- k) Development of an implementation plan based on staged development.
- l) Develop a draft budget for each initiative as a separate arrangement.
- m) Develop a five year business strategy for both initiatives.
- n) An assessment of critical assumptions and risk assessments associated with the development of the events and short term caravan park.

Following Council endorsement of the draft Business Case – Cowra Tourist and Recreation Precinct, the Shire of East Pilbara will advertise the Business Case for public comment for six weeks as per the Local Government Act 3.59.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.58. Disposing of property (pg 71)

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 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

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

3.3.3 Provide infrastructure to support economic development
Responsible officer: DCEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/378

MOVED: Cr Shane Carter

SECONDED: Cr Doug Stead

THAT Council

- 1. Endorse the release of the draft business case – Cowra Tourist and Recreation Precinct for public comment;**
- 2. Authorise the Business Case be advertised in accordance with Section 3.59 Local Government Act 1995 (4) (a).**

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

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

9.2.8 MOONDOOROW COMMUNITY HOUSING BUSINESS CASE

File Ref:	STR-3-10
Attachment:	<u>Under Separate Cover</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the Moondoorow Project – Community Housing Business Case.

BACKGROUND

In October 2012, the Shire of East Pilbara engaged Integral Project Creation Pty Ltd services for the development of a community housing business case for the Moondoorow Project.

An outcome in the Shire of East Pilbara's Economic Development and Tourism Strategy is to attract new residents to live in Newman. A key part of attracting new residents involves a continuously improving standard of living. Developing accommodation and continuously improving services, play a key role in attracting professionals to the area.

A total of eight houses are being designed for Lot 1326 Moondoorow Street, Newman. This accommodation has been designated to be developed as a housing precinct for professionals. Two townhouses will be specifically for general practitioner doctors, two townhouses are to be used by Martumili Artists staff, two townhouses are to be utilised by Shire staff, and the balance of two townhouses are yet to be allocated.

COMMENTS/OPTIONS/DISCUSSIONS

The Project Outcomes of this business case was to outline the resources and capital investment necessary to bring this project to fruition. The outcome of the project is the development of a clear and succinct document that identified all of the aspects associated with each stakeholder's responsibility, agreements and tenancy arrangements that will enable a legal agreement to be development. The business case will include an eligibility policy associated with the project, management, maintenance and governance.

The Project Deliverables for this business case were:

- Development of project resourcing to deliver the housing project;
- Development of the agreements for project partners to deliver the project;
- Undertake consultation with key stakeholders ensuring the various needs are incorporated in the agreement;
- Ensure compliance with Local Government Act (1999) requirements – section 3.58 and 3.59 and associated regulations;
- Development of a management and governance model suitable for this project; and
- Undertake discussions with key stakeholders in order to seek approval for any draft agreement regarding management and governance.

At the Council Meeting 8th February 2013 the draft Moondoorow Community Housing Business Case was presented to Council for endorsement to go to public comment.

The following comments were received:

1. Spelling error on page 27 – since corrected.
2. BHP Billiton relayed issues regarded Section 9.2 Dwelling Re-Allocation. The following amendment has been made to this section.
Delete dot points under Section 9.2 and replace with “Should one of the Users (Newman Hospital or Martumili artists) choose not to renew their Tenancy Agreement it will be up to representatives from the Shire of East Pilbara and BHP Billiton to negotiate an alternative tenant and tenancy agreement period”.
3. The funding amounts highlighted throughout the document have been adjusted to reflect further money allocated to the project in the Shire of East Pilbara budget review and negotiations with Martumili Artists.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act (1999) section 3.58 and 3.59 and relevant regulations

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact at this time.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/379

MOVED: Cr Shane Carter

SECONDED: Cr Anita Grace

THAT Council endorse the final Moondoorow Project – Community Housing Business Case as presented.

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

9.2.9 DRAFT BUSINESS CASE - MARTUMILI INFRASTRUCTURE PROJECT

File Ref:	A435464
Attachment:	<u>Under Separate Cover</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Megan Barham Coordinator Martumili
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the release of the draft business case – Martumili Infrastructure Project - for public comment.

BACKGROUND

The need for a purpose-built arts facility in Newman for Martumili Artists was identified in Martumili Artists Business Plan 2011-2013. Funding was secured for the project in 2012 (\$3.5 million – Pilbara Cities; \$4 million – BHP Billiton Iron Ore). Martumili Artists have developed a draft arts facility and gallery business case for the Martumili Infrastructure Project.

The main purpose of this project is to develop an architecturally excellent, civic minded, socially and environmentally sustainable piece of key infrastructure in Newman which will enable Martumili Artists to achieve its full potential by providing Martu people access to the social, cultural and economic benefits that come with the production and equitable/ethical sale of works of art.

This is an exciting opportunity for Martumili Artists to work with industry partners, local and state governments and the community in a respectful, professional and energetic manner to provide a valuable cultural resource for the Martumili artists, their wider communities, and both tourists and locals in Newman.

The Arts Facility and Gallery will comprised of the following components:

- A gallery for the display and sale of artwork;
- Custom-built spaces for artists to undertake their artwork production in Newman;
- Secure, fire rated storage for general artwork and the Martumili collection;
- Appropriate staff work spaces;
- Meeting room;
- Commercial kitchen;
- Caretaker's accommodation (housing for Martumili staff member);
- Staff accommodation – 2 units to be located at Lot 1326 Moondoorow Street (part of SoEP's Moondoorow Community Housing Project).

COMMENTS/OPTIONS/DISCUSSIONS

The Project Outcomes of this business case are to outline the resources and capital investment necessary to bring this project to fruition. The outcome of the project is the development of a clear and succinct document that will include risk analysis, design and construction program timelines, and detailed budget. The business case will include a Communications Strategy associated with the project, and developed in consultation with all stakeholders.

The Project Deliverables for this business case are:

- Appointment of architect and sub-consultants;
- Preparation of final design and planning application;
- Planning approval;
- Preparation of tender documentation;
- Tender period / start up;
- Commence construction;
- Complete construction;
- Martumili Artists takes possession.

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 3 – Economic – Planned Actions

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

3.1 Business diversification and promotion

3.1.2 Build a thriving and diverse economy
Responsible officer: DCEO
Timing: 1-5 years

3.1.3 Encourage tourism
Responsible officer: DCEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/380

MOVED: Cr Shane Carter

SECONDED: Cr Dean Hatwell

THAT Council

- 1. Endorse the release of the draft business case – Martumili Infrastructure Project for public comment;**
- 2. Authorise the Business Case – Martumili Infrastructure Project to be advertised in accordance with Section 3.59 Local Government Act 1995 (4) (a).**

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

To be actioned by Ms Megan Braham, Coordinator Martumili Artists.

9.2.10 NEWMAN CIVIC CENTRE CONCEPT DESIGN AND RECOMMENDATIONS

Attachments: Under Separate Cover
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

11:11 AM Mr Rick Miller left Chambers.

REPORT PURPOSE

The purpose of this report is to provide Council with the completed report on the design concept for the Newman Civic Centre and to make recommendations regarding the further development of this project.

BACKGROUND

Money was made available, by BHP Billiton, under Newman Tomorrow Funding, to undertake the concept design of the proposed Newman Civic Centre.

As per Council resolution Woodhead Architects were appointed to complete this concept design phase for the Civic Centre.

A Newman Civic Centre steering committee was formed in June 2012 consisting of Allen Cooper - CEO, Lynne Craigie - President, and Gary Grapes – Manager Building Assets. Gary Grapes has since let the employ of the Shire of East Pilbara and Sian Appleton – Deputy Chief Executive Officer has replaced Gary on the committee.

Woodhead produced concept designs, from both the initial brief and an initial meeting with the steering committee and other members of staff. The report produced was presented in a workshop format. The representatives of the following organisations were invited to attend this workshop:

- RSL;
- Regional Library, Port Hedland;
- Councillors;
- Pilbara Development Commission;
- Department Regional Development and Lands;
- Newman Visitors Centre;
- BHP Billiton; and
- Council staff.

Although not all organisations were represented, approximately twenty people were present at the workshop.

Feedback was not all positive and subsequently this feedback was sent formally to Woodhead for consideration. On receipt of the updated concept design it was felt by the steering committee that the feedback had not been considered enough and the steering meeting met with Woodhead representatives on the 25th April 2013, in Perth to further discuss these concerns.

COMMENTS/OPTIONS/DISCUSSIONS

The final report has now been submitted by Woodhead for Council's consideration. It should be noted that this is only a concept design only. The capital cost for this building is estimated at approximately \$20,000,000.

Indicative life cycle costing is also provided within the report. This costing shows that based on a \$20M build an average of \$450,000 will need to be set aside annually for the upkeep of the building. Another \$450,000 should also be set aside for the replacement of the building in 40 years. There may also be the cost of servicing a loan if required to complete the build.

Indicative income from a proposed café or restaurant should net the Council approximately \$70,000 based on commercial floor space rates of \$700/m². Other income would be based on rent of the auditorium and any free office space.

True income and costing for the centre would be established through the business plan process.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/381

MOVED: Cr Doug Stead

SECONDED: Cr Shane Carter

THAT Council

- 1. Receive the Woodhead Concept Design Report as presented;**
- 2. Support the development of a business case and detailed drawings for the Newman Civic Centre subject to availability of funding through the 2013/2014 budget.**

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

To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer.

**9.2.11 RECOMMENDATION FOR LEASE OF GALLOP HALL UNTIL 31ST JULY
2014 BY EAST PILBARA INDEPENDENCE SUPPORT INC.**

File Ref: A330548
Attachments: [Responses - Confidential](#)
Under Separate Cover
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Nullagine
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:14 AM Mr Rick Miller returned to the Chambers

REPORT PURPOSE

To seek Council approval to extend the lease of Gallop Hall by East Pilbara Independence Support Inc. for a further 12 month period.

BACKGROUND

At the 19th April 2013 Council meeting, Resolution 201213/340, Council sought public comment from the residents of Nullagine on the proposal to extend the lease of Gallop Hall to East Pilbara Independence Support Inc. (EPIS) for a further 12 month period, until 31st July 2014.

COMMENTS/OPTIONS/DISCUSSIONS

A petition (attached) was presented to Council at the 28th September 2012 Council Meeting. The petition highlighted concerns, from the signees, that the Gallop Hall was not available to the community of Nullagine. Council resolved to:

1. Receive the "Petition" on access and use of the Gallop Hall, Nullagine; and
2. Meet with EPIS to work through the issues raised in the "Petition".

A public notice has since been distributed, via email, throughout the township of Nullagine on the 22nd April seeking the community's feedback on this issue. Submissions closed on the 1st May.

A total of three individual community members, one private business, one government agency and two petitions (attached) all stated their support for the renewal of EPIS's lease. This group of respondents agreed that EPIS provides a much needed service to the elderly members of the Nullagine community.

Two individual community members provided written advice of their concerns if EPIS were to be given an extension of their current lease. Their concerns relate to the booking process and the visual amenity of the Hall when used by residents.

Until such time as an alternative, all inclusive facility can be sourced, which meets all regulatory requirements imposed upon EPIS to operate an accredited home and community care services, it is recommended that EPIS be given a further twelve (12) month extension on their lease.

It is also suggested that prior to a new lease being signed by both parties, EPIS and the Shire further negotiate current operational issues as they relate to Gallop Hall including: the booking process and time frames; allocation of keys; use of the toilets and the general tidiness of the facility prior to it being used by members of the general community.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.4 Equity and opportunities for all
Financial Implications

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/382

MOVED: Cr Kevin Danks

SECONDED: Cr Dean Hatwell

THAT Council extend the lease of Gallop Hall by East Pilbara Independence Support Inc. for a further 12 months, until the 31st July 2014.

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

9.2.12 PUBLIC NOTICE OF DIFFERENTIAL RATING

File Ref: FIN-22-7
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Angela McDonald
Manager Finance and Administration
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:17 AM Cr Doug Stead left Chambers.

REPORT PURPOSE

For Council to consider the continued implementation of our current differential rating categories and to authorise the giving of public notice of its intention to impose differential rate categories with the adoption of the 2013/2014 budget.

BACKGROUND

Council has adopted a process of differential rating since the 2006/2007 budget. Part of the process is that the intention to differentially rate must be advertised by public notice. In order to again consider differential rates for the 2013/2014 budget advertising must be undertaken.

The current rating categories are as follows, assuming a 4% increase in rates.

Rate in \$ Minimum			
Gross Rental Value	Industrial	1.6516	\$650
Gross Rental Value	Nullagine Town Site	7.1047	\$400
Gross Rental Value	Marble Bar Town Site	7.2800	\$400
Gross Rental Value	Town Centre	3.9931	\$650
Gross Rental Value	Transient Work Force Accommodation	3.1729	\$650
Gross Rental Value	Other	1.7169	\$650
Unimproved Value	Pastoral /Special Leases	4.3810	\$200
Unimproved Value	Exploration Leases	15.1215	\$200
Unimproved Value	Prospecting Leases	15.1215	\$200
Unimproved Value	General Leases	17.1834	\$200
Unimproved Value	Petroleum Leases	17.1834	\$200
Unimproved Value	Mining Leases	17.1834	\$200
Unimproved Value	AML Leases	17.1834	\$200

Differential rating allows Local Governments to categorise properties according to certain characteristics. The concept provides flexibility to impose higher or lower rates on properties within the same valuation area, based on the provision of a particular services or range of services, or to overcome the large range of property

valuations.

Section 6.33 provides that a local government may impose differential general rates according to any, or a combination, of the following characteristics -

- (a) the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 2005;
- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land;
- (d) any other characteristic or combination of characteristics prescribed.

COMMENTS/OPTIONS/DISCUSSIONS

Whether Council does, or does not, proceed with differential rating for the 2013/2014 budget the authorisation to advertise (the possibility) needs to be given now so that statutory time frames can be met in order for the budget to be adopted as scheduled. Under the Local Government Act, 21 days notice must be given for public submissions to be received by Council before adopting differentials.

Differential rates may be imposed on properties in a council district according to any, or a combination, of the following characteristics:

- . The zoning of the land under Council's Town Planning Scheme
- . The predominant purpose for which the land is used as determined by Council
- . Whether or not the land is vacant, or
- . Any other characteristic or combination of characteristics prescribed.

Given that the budget process is in the early stages at the time of this agenda preparation it is not possible to give detailed financial scenarios based on the characteristics mentioned above.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act - Section 6.36. - Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so
 - (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
 - (3) A notice referred to in subsection (1) –
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
 - (b) is to contain –
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters
-

within 21 days (or such longer period as is specified in the notice) of the notice; and

(iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;

And

(c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

(4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

(5) Where a local government –

(a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or

(b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

It is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

11:17 AM Cr Doug Stead returned to the Chambers

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/383

MOVED: Cr Kevin Danks

SECONDED: Cr Dean Hatwell

THAT Council

1. Support in principle the following differential rates, subject to the finalisation of the 2013/2014 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:

Rate in \$ Minimum			
Gross Rental Value	Industrial	1.6516	\$650
Gross Rental Value	Nullagine Town Site	7.1047	\$400
Gross Rental Value	Marble Bar Town Site	7.2800	\$400
Gross Rental Value	Town Centre	3.9931	\$650
Gross Rental Value	Transient Work Force Accommodation	3.1729	\$650
Gross Rental Value	Other	1.7169	\$650
Unimproved Value	Pastoral /Special Leases	4.3810	\$200
Unimproved Value	Exploration Leases	15.1215	\$200
Unimproved Value	Prospecting Leases	15.1215	\$200
Unimproved Value	General Leases	17.1834	\$200
Unimproved Value	Petroleum Leases	17.1834	\$200
Unimproved Value	Mining Leases	17.1834	\$200
Unimproved Value	AML Leases	17.1834	\$200

2. Give local public notice of its intention to implement differential rating in 2013/2014.
3. Apply to the Minister for Local Government for approval to impose differential rates that exceed the statutory two times limit in both the GRV and UV areas for the 2013/2014 financial year

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

To be actioned by Ms Angela McDonald, Manager Finance and Administration

9.2.13 MONTHLY FINANCIAL STATEMENTS MARCH 2013

File Ref: FIN-23-5
Attachment: [Financial Statement](#)
Under Separate Cover
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Angela McDonald
Manager Finance and Administration
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The attached 11-page report details the financial activities of the Council for the period July 2012 to March 2013 of the 2012/2013 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 per attached variance report.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/384

MOVED: Cr Kevin Danks

SECONDED: Cr Gerry Parsons

That the monthly financial statements for the period July 2012 to March 2013 of the 2012/2013 financial year as presented be received.

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

To be actioned by Ms Angela McDonald, Manager Finance and Administration.

Variance Report – March	
Note	Comment
	Income
1	Rates income more than budgeted due to additional interim rates received on new mining accommodation villages.
2	Interest on Municipal fund more than budgeted due to unexpended grant funding.
3	Project Supervision Fee income more than budgeted. This is mostly due to the project administration fees for the senior and junior sporting facilities now charged.
4	FESA Grant income for Nullagine BFB and administration more than budgeted
5	Dog Infringement income more than budgeted for
6	Infringement income for Vehicles and Litter more than budgeted
7	Vacation Care income more than budgeted. Budgeted \$4,000 for the year have received \$12,000 to date due to the holiday program run in July and October
8	Funding received from BHP of \$340,000 for community events, not in original budget. Will be matched by expenditure.
9	Income from Newman House less than budgeted due to Council reducing building maintenance fees.
10	Staff rents up on budget due to rent now being received from Marillana houses
11	Non-staff rent income more than budgeted
12	Income from liquid waste disposal and Newman tip fees more than budgeted for
13	Planning application income down on budget due to general down turn in construction industry due to the high costs associated with the Pilbara.
14	Reserve interest less than budgeted for
15	Income for recreational programs less than budgeted for
16	Profit on asset sale more than budgeted for
17	Flood Damage Reimbursement of \$680,000 received and unbudgeted for, offset by expenditure

18	Interest on reserve down on budget due to transfer of \$200,000 to reserve not made until mid year
19	RPT passenger and landing fees income more than budgeted for
20	Nullagine caravan park fee income down on budget
21	Building licence income less than budgeted due to reduction in licence applications
22	RPT Bus Passenger fees and DOT subsidy income more than budgeted (timing only)
23	Private works income more than budgeted, this will have corresponding expenditure
24	Homeswest rent reimbursement up due to extra employee now being a Homeswest renter
25	Recoupable expenditure income up on budget
	Expenditure
26	Rates expenditure up on budget due to rates written off for Lot 44 Great Northern Highway not budgeted for
27	Actual depreciation calculated less than budget
28	Actual depreciation calculated less than budget
29	Fire prevention and Emergency services expenditure down on budget due to not yet receiving costs from SES (timing only)
30	Animal Control costs up on budget due to unbudgeted costs of maintaining boundary fences
31	Salaries and Wages for Health less than budgeted as budgeted for EHO but that did not commence until January.
32	Preventative Services expenditure over budget due to costs relation to mosquito control and analysis more than budgeted for
33	Care of Families and Children costs down on budget particularly staff related costs such as wages and salaries and training
34	Community Services salaries and wages less than budgeted for
35	Community Grants and Programs expenditure under budget due to less expenditure on community programs to date

36	Less spent on community projects than budgeted particularly in the area of Marble Bar Youth Centre Building and Nullagine Youth Bus
37	Staff housing expenditure more than budgeted due to overspends on staff houses to date (timing only)
38	Other housing expenditure less than budgeted due to less spent on maintenance on aged persons housing to date
39	Other sanitation costs less than budget particularly licences and monitoring and project maintenance
40	Cost associated with operation of the sewage farm up on budget
41	Northwest Planning costs less than budgeted to date, expected to spend ¾ of budget by 30 June 2013
42	No funds allocated to Pioneer Cemetery this financial year, budget to date is \$23,856
43	Actual depreciation calculated more than budget
44	Actual expenditure on Newman Community Hall less than budgeted for
45	Costs at Newman Aquatic Centre higher than budgeted, particularly plant maintenance due to hire of gen set.
46	Actual expenditure at Marble Bar Swimming Pool down on budget mostly due to building and plant maintenance costs less than budget
47	No funds spent on Nullagine Digital Conversion to date although it has been budgeted for.
48	Recreation centre expenditure down on budget, particularly expenditure on utilities, this is timing only.
49	Library expenditure down on budget particularly in the area of building maintenance and equipment and furniture purchases
50	Costs less than budgeted particularly the maintenance of the Boomerang Sports Facility and power consumption at Capricorn Oval
51	Actual depreciation calculated more than budget
52	Maintenance costs relating to streets, roads, bridges and depots less than budgeted for
53	Expenditure on tourism and area promotion less than budgeted
54	Building control expenditure under budget particularly employee related costs such as vehicle expenditure, salaries and superannuation

55	RPT bus services expenditure up on budget particularly vehicle expenses and drivers accommodation
56	Less spent on consultants to date than budgeted for
57	Actual depreciation calculated less than budget
58	Private works expenditure greater than budget, this will have corresponding income
59	Staff housing expenses allocated to works and services more than budgeted for, this is due to overspends in staff housing (timing only)
60	Workers Compensation Insurance under budget
61	Miscellaneous expenditure more than budgeted for, this expenditure is recoupable

9.2.14 CREDITORS FOR PAYMENT

File Ref: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Under Separate Cover

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 19th April 2013.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT19112-EFT19510	4,471,317.48
	Total	\$4,471,317.48
Cheque Payments	22066-22139	243,487.67
Written Chq Payments	77-79	1,152.21
	Total	\$244,639.88
	GRAND TOTAL	<u>\$4,715,957.36</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

22071, 22079

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 \$4,715,957.36

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/385

MOVED: Cr Gerry Parsons

SECONDED: Cr Shane Carter

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT19112-EFT19510	4,471,317.48
	Total	\$4,471,317.48
Cheque Payments	22066-22139	243,487.67
Written Chq Payments	77-79	1,152.21
	Total	\$244,639.88
	GRAND TOTAL	<u>\$4,715,957.36</u>

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Ms Candice Porro, Expenditure Finance Officer.

9.2.15 REVIEW OF MEETING ATTENDANCE FEES AND MEMBER ALLOWANCES

File Ref: CLR-4-2
Responsible Officer: Ms Sian Appleton
 Deputy Chief Executive Officer
Author: Ms Angela McDonald
 Manager Finance and Administration
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil
 11:28AM Cr Kevin Danks left Chambers.

REPORT PURPOSE

To determine the amount to be provided in the 2013/2014 budget for meeting attendance fees for Members and reimbursement of allowable expenses.

BACKGROUND

The Local Government Act provides for the payment to Members of fees for attending Council Meetings on either a per meeting or an annual basis. The Act also allows for the reimbursement of, or an allowance, to cover certain expenses incurred by members.

The value of these fees and allowances are stipulated in the Local Government (Administration) regulations and are as follows. They remain unchanged from the previous year:

Council Meeting Attendance Fees:

Meeting Attendance Fees (Per Individual Meeting)							
	President			Councillors			Reg
Each Council Meeting	\$120	To	\$280				30(4)
				\$60	To	\$140	30(1)
Each Committee Meeting	\$30	To	\$70				30(2)
				\$30	To	\$70	30(2)
Maximum Total Annual Payment			\$14,000				30(5)
						\$7,000	30(3)
Annual Attendance Fees - All Meetings (In Lieu Of Individual Meeting Fees)							
President	Min		\$6,000				34(2)(a)
	Max		\$14,000				34(2)(b)
Councillors				Min	\$2,400		34(1)(a)
				Max	\$7,000		34(1)(b)

Expenses Reimbursable

31. Expenses to be reimbursed (Acts.5.98(2)(a) and (3))
- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
 - (2) The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.
 - (3) The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20.00 per hour, whichever is the lesser amount.
 - (4) The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —
 - (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
 - (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
 - (5) For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.

Local Government Allowance

A Presidential Allowance within the range of \$600 to \$12,000 per annum or an amount equivalent to 0.002 of the annual operating revenue (\$66,170 based on this Council's 2011/2012 budget) can be authorised by Council. An upper limit of \$60,000 is set if the 0.002 formula exceeds that amount. - Reg 33

Amounts of up to 25% of the above may be allocated as an allowance to the Deputy President. - Reg 33A.

COMMENTS/OPTIONS/DISCUSSIONS

When considering the fees payable and allowances which may be reimbursed to Councillors the unique circumstances applicable to the Shire of East Pilbara need to be considered. Given the sheer size of the Shire and the isolation of the location the commitment by Councillors in both time, predominantly for travel, and expenses incurred would exceed those of other smaller local governments and those closer to, or based in, the metropolitan area.

Council currently, 2012/2013, provides for the payment of Meeting Fees quarterly in arrears of \$7,000 each annually for Councillors (Account 41016) and \$14,000 annually for the President (Account 41031). These payments had an increase of \$500 and \$2,000 respectively in 2011/12 and \$1,000 and \$2,000 respectively in 2006/2007. These fees are currently at the maximum allowance in accordance with Administration Regulations. Also in 2006/07 a Presidential Allowance to recognise the out of pocket expenses which are incurred by the Shire President in representing the Council of \$6,000 was introduced for the first time and increased to \$9,000 in 2009/10, \$12,000 in 2010/11 and then \$16,000 in 2012/13. The Presidential Allowance will remain the same as the 2012/13 year for the 2013/14 year.

Council does not have an option to raise Meeting Fees this year.

The Western Australian Salaries and Allowances Tribunal are currently conducting an inquiry into the fees, expenses and allowances paid to elected Council Members, pursuant to Section 7B of the *Salaries and Allowances Act 1975*. Submissions have now closed so dependent on the outcome of the inquiry the levels stipulated in the Local Government (Administration) Regulations may change.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act

Section	5.98	Fees etc for Council Members
	5.98A	Allowance for Deputy President
	5.99	Annual Fee for Attending Meetings
	5.99A	Allowances in Lieu of Reimbursements

Administration Regulations

Regulation	30	Meeting Attendance Fees
	31	Expenses that are to be reimbursed
	32	Expenses that may be reimbursed
	33	Annual Allowance for President
	33A	Annual Allowance for Deputy President
	34	Annual Attendance Fees
	34A	Allowances in Lieu of Reimbursements of Telecommunications Expenses

POLICY IMPLICATIONS

Item 9.1.3 7th June 2003

Shire President & Councillors - Attendance Fees, Expenses & Allowances

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

Resource requirements are in accordance with 2013/14 budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/386

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council:

The following annual allowances for meeting attendance fees be included in the 2013/2014 budget to be paid quarterly in arrears

- (a) **Councillor’s Meeting Fees \$70,000**
(An Annual Fee of \$7,000 per Councillor)
- (b) **President’s Meeting Fees \$14,000**
- 2. **A Telecommunications Allowance per annum to be paid quarterly in arrears of \$500 to all councillors and \$1,000 to the Shire President.**
- 3. **A Presidential Allowance of \$16,000 per annum to be paid quarterly in arrears**

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 8 - 0

To be actioned by Ms Angela McDonald, Manager Finance and Administration.

9.2.16 TENDER RFT 09-2012/2013 NEWMAN RECREATION MASTERPLAN

File Ref: LEG-13-1-19
Attachments: [Confidential Evaluation](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:31 AM Cr Kevin Danks returned to the Chambers

REPORT PURPOSE

To seek Council's approval to award tender RFT09-20122013, for the development of the Newman Recreation Masterplan.

BACKGROUND

In December 2012, Resolution 201213/239, Council endorsed a \$100,000 funding submission from BHP Billiton Iron Ore for the development of a Newman Recreational Masterplan.

Pursuant to the delegated authority given to the Chief Executive Officer as stated in the Shire of East Pilbara Delegation Manual 5.16 *Making of the Decision to Invite Tenders*, a tender invite for this project was made through advertisements in The West Australian on the 2nd & 9th March and in The Australian on the 2nd March.

A tender invite was also placed in all regions of the Parks & Leisure Australia website.

The tender opened on the 2nd March 2013 and closed at 10.30am Tuesday 26th March 2013.

At the close of the tender, ten (10) organisations had successfully submitted a tender:

@ Leisure Planners
TPG
Ross Planning
One Eighty Sport & Leisure Planners
Ian Wiles Architects
SGL Consulting Group
MAK Planning & Design
URBIS
Strategic Leisure Group

ABV Leisure Consultancy Services

COMMENTS/OPTIONS/DISCUSSIONS

The tender required responses to the stated criteria which comprised of compliance and qualitative sections.

Compliance criteria was evaluated on a Yes/No basis and was not point scored.

Qualitative criteria was point scored and was based on the following components:

A. Ability & Experience – 40%

- * Experience in similar projects that involve Local Governments;
- * Knowledge/experience in working in Pilbara;
- * Demonstrated competency/proven track record of achieving outcomes;
- * Suggested work plan for the project, highlighting what types of strategies will be used, which are proven to be effective in communities such as Newman; and
- * Provision of a suggested timeline of delivery of a schedule of works.

B. Capacity & Personal – 20%

- * Current projects being undertaken and their available percentages to complete this particular project; and
- * Key personnel and backup personnel and their relevant experience and/or qualifications

C. Performance & Understanding – 40%

- * Provision of an outline of the project methodology that will be used to perform the requirements of the brief;
- * Available resources and technologies that will be utilised to assist delivery of services; and
- * Communication strategy.

To determine the most advantageous tenderer, the Evaluation Panel members, which consisted of Segolene Mackle, Procurement Consultant WALGA, Amanda Curby, Media Relations Officer, Shire of East Pilbara and Sharon Walsh, Manager Community Wellbeing, Shire of East Pilbara, all independently pointed scored each tender against the above mentioned qualitative criteria.

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

The results of the tender assessment indicate that @ Leisure Planners were the preferred supplier due to their inclusion of a reasonable amount of expected hours of work they anticipate to undertake for the project, plus their costings schedule was closer to our budget figure.

It is therefore recommended that @ Leisure Planners be awarded Tender RFT09-2012/2013.

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

Although the Shire of East Pilbara has a regional price preference, none of the organisations who submitted a tender operate solely within the Pilbara region, therefore, this preference is not applicable.

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.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/387

MOVED: Cr Dean Hatwell

SECONDED: Cr Craig Hoyer

THAT Council awards RFT09-2012/2013, Newman Recreation Masterplan to @ Leisure Planners for the tendered price of \$109,358 inclusive of GST.

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

9.2.17 TRANSFER OF OPERATING FUNDS INTO CAPITAL

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Keesha Booth
Coordinator Community Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek council approval to transfer operating funds from GL 81088 (Street and Building Decorations) account into a capital account to purchase capital items.

BACKGROUND

In the 2012/2013 annual budget council approved a \$60,000 budget for Street and Building Decorations for Newman, Nullagine and Marble Bar. The decision was made that the following items would be purchased;

- 10x banner poles for Nullagine and Marble Bar
- Christmas Decorations for Newman Administration Office and Marble Bar Administration Office.

Due to the budget being held in an operating account, purchasing of these items cannot be made unless council approves to transfer the requested amount into a capital account.

COMMENTS/OPTIONS/DISCUSSIONS

The purchasing of ten (10) banner poles for Nullagine and Marble Bar which will be easily demountable and does not require machinery to erect. Three quotes were received by suppliers and will be supplied by PILA Group. Their quoted amount including freight is \$15,229.50 but the request to council will be rounded to \$16,000 for unforeseeable costs in freight.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.5 COMMUNITY BANNER POLES

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.3 Art, culture and youth

2.3.1 Develop and implement community pride projects
Responsible officer: MCW
Timing: 1 year

2.3.3 Foster artistic and creative expression
Responsible officer: DCEO
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/388

MOVED: Cr Doug Stead

SECONDED: Cr Dean Hatwell

THAT Council

- 1. Approve the total amount of \$16,000 to be transferred from operating account GL# 81088 (Street and Building Decorations) to a new capital account.**

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

To be actioned by Ms Keesha Booth, Coordinator Social Services.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - APRIL 2013

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

11:38 AM Mr Allen Cooper left Chambers.
11:40 AM Cr Kevin Danks left Chambers.
11:40 AM Mr Allen Cooper returned to the Chambers

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Section 2.7
The role of the council

(1) *The council –*

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

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION: 201213/389

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT the “Status of Council Decisions” – Director Technical and Development Services for April 2013 be received.

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

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Gathering of information to be included on signs/plaques	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS MTS-Newman	Technical Services to review requirement of tender & length of contract before re-tendering	Jun/Jul 2013
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	DTDS	Tenure of land and alignments to be investigated and feasibility assessed Align options selected. Centrelines to be pegged.	In Progress
8 February 2013	13.8	NEWMAN SHOPPING CENTRE CAR PARK MOTHERS WITH PRAMS Cr Doug Stead has asked if shade sail can be put over the car parks for mothers with prams as the wide car parks allocated for this purpose have no shade or if it was possible to move the signs and allocate parking in the shaded sail area. Director Technical and Development Services to follow up.	DTDS MTS-Newman	Sail shades have been ordered for installation Scheduled to be installed by end of May	May 2013
15 March 2013	14.5	KLONDYKE STREET, NEWMAN Cr Gerry Parsons asked if two of the Department of Housing homes could be inspected by our Manager Development Services – Health, as she had received complaints about the sanitation of these houses. Director Technical &	DTDS MDS-Health	Department of Housing advise that they have given the tenant a timeframe to clean up the house or they will be evicted.	May 2013

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

24 MAY, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Development Services, Rick Miller, to follow up.			
19 April 2013	13.3	<p>FERAL CATS MARBLE BAR</p> <p>Cr Stephen Kiernan said there is a population explosion of feral cats in Marble Bar.</p> <p>The Chief Executive Officer replied that the Director Development Technical and Development Services will follow up/investigate.</p>	CRES	Ranger Services will investigate and provide comment on shire responsibilities and obligations.	

9.3.2 ASSET MANAGEMENT PLAN – ROADS AND PATHWAYS

Attachments:	Roads & Footpaths <u>Under Separate Cover</u>
File Ref:	FIN-23-2
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Ms Helen Taulapiu Technical Services Administration
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the Asset Management Plan – Road & Pathways as a key component of the Shire's asset management strategy, and fulfil the requirement for the Integrated Planning & Reporting framework.

BACKGROUND

The Department of Local Government (DLG) has released a number of local government reform initiatives to strengthen the ability of local governments to deliver services to the community. A key initiative of the Local Government Reform Program is to improve asset management capability within the local government sector. The objective of the asset management initiative is to:

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

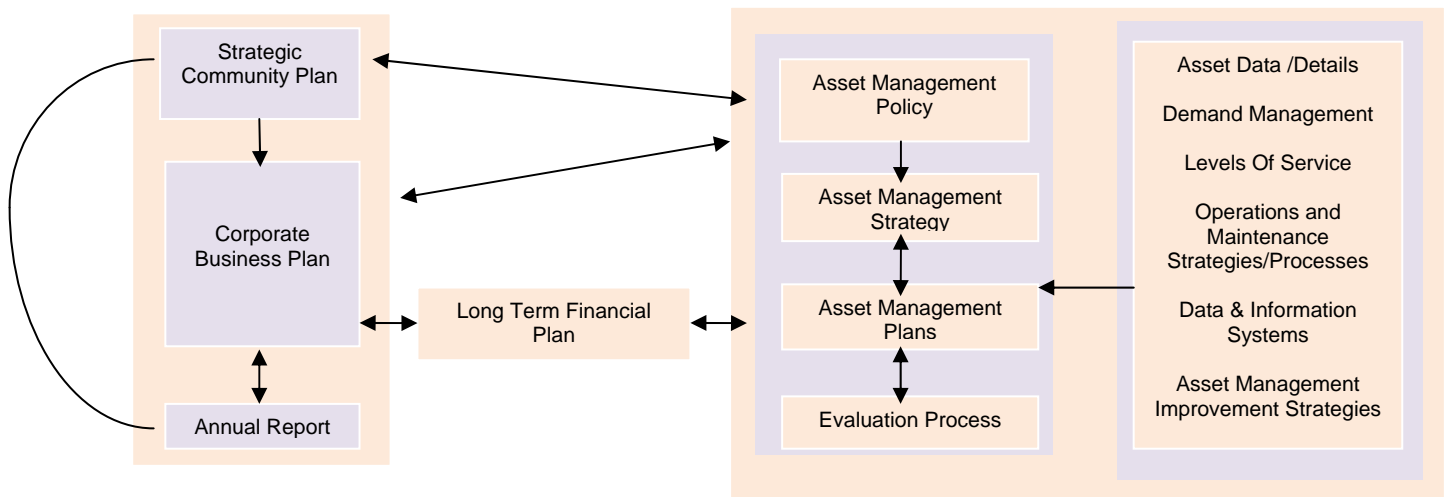
The DLG has developed an Integrated Planning and Reporting Framework, which identifies a strong link between asset management and key corporate documents such as the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Reports.

The Shire of East Pilbara has developed an asset management framework which incorporates the elements of the DLG's Integrated Planning and Reporting Framework. The asset management framework encompasses this asset management strategy as well as a number of asset management plans and in accordance with the requirements identified by the DLG, it is aimed at improving and enhancing:

- Sustainable management of local government assets and financial resources through a 'whole of life' and 'whole of organisation' approach.

- The link between asset management plans, long term financial and strategic planning.
- The Process of continuous improvement in their asset management practice to match:
 - the changing service delivery needs of their communities; and
 - the increasing integration of asset management with their strategic directions.

The Shire of East Pilbara's Asset Management Framework is illustrated below:



COMMENTS/OPTIONS/DISCUSSIONS

This Asset Management Plan focuses on roads and access related infrastructure including pathways owned and/or managed by the Shire. The document will be a living document and provides an assessment of where we are now and a guide on what we need to do to maintain the road/pathway network to an acceptable level of service and the philosophy of maintaining the asset in a sustainable manner. Costings in the document will give a guide to proposed future expenditure but, with ongoing and future analysis they aren't to be seen as final. Further review and checking of calculations will be completed for the 2013/14 budget.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

POLICY 3.2 ASSET MANAGEMENT

STRATEGIC COMMUNITY PLAN

N/A

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/390

MOVED: Cr Anita Grace

SECONDED: Cr Dean Hatwell

THAT Council endorse the Shire of East Pilbara Asset Management Plan – Roads & Pathways.

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

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

9.3.3 ASSET MANAGEMENT PLAN - PLANT & FLEET

File Ref:	FIN-23-2
Attachments:	Plant - Vsn 1.docx <u>Under Separate Cover</u>
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Ms Helen Taulapiu Technical Services Administration
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the Asset Management Plan – Plant & Fleet as a key component of the Shire’s asset management strategy, and fulfil the requirement for the Integrated Planning & Reporting framework.

BACKGROUND

The Department Of Local Government (DLG) has released a number of local government reform initiatives to strengthen the ability of local governments to deliver services to the community. A key initiative of the Local Government Reform Program is to improve asset management capability within the local government sector. The objective of the asset management initiative is to:

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

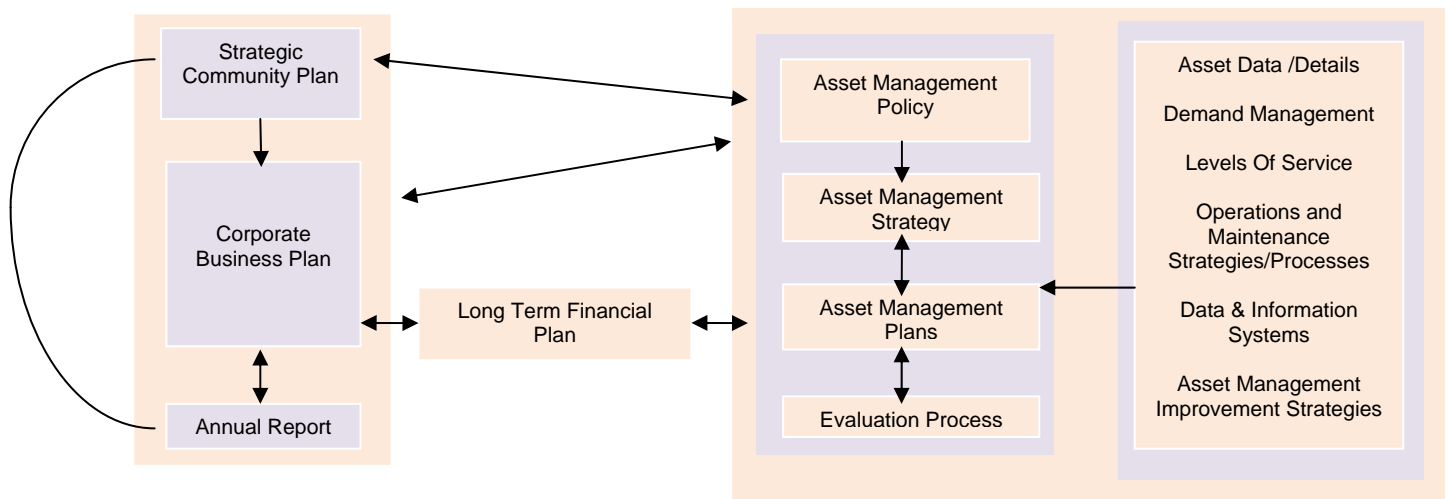
The DLG has developed an Integrated Planning and Reporting Framework, which identifies a strong link between asset management and key corporate documents such as the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Reports.

The Shire of East Pilbara has developed an asset management framework which incorporates the elements of the DLG’s Integrated Planning and Reporting Framework. The asset management framework encompasses this asset management strategy as well as a number of asset management plans and in accordance with the requirements identified by the DLG, it is aimed at improving and enhancing:

- Sustainable management of local government assets and financial resources through a ‘whole of life’ and ‘whole of organisation’ approach.

- The link between asset management plans, long term financial and strategic planning.
- The Process of continuous improvement in their asset management practice to match:
 - the changing service delivery needs of their communities; and
 - the increasing integration of asset management with their strategic directions.

The Shire of East Pilbara’s Asset Management Framework is illustrated below:



COMMENTS/OPTIONS/DISCUSSIONS

This Asset Management Plan focuses on the Shire’s plant and fleet assets. This fleet management plan has been prepared in line with the guidelines provided in the International Infrastructure Management Manual (2011) both of which are recognised as best practice manuals in local government in Australia.

Fleet underpins Council’s operations and plays a vital role in the provision of a range of services for the Shire’s communities and the topography and vast areas of the Shire presents additional challenges.

The document will be a living document and provides an assessment of where we are now and a guide on what we need to do to maintain the Fleet and Plant to an acceptable level of service and the philosophy of maintaining the asset in a sustainable manner. Costings in the document will give a guide to proposed future expenditure but, with ongoing and future analysis they aren’t to be seen as final. Further review and checking of calculations will be completed for the 2013/14 budget. A complete review has also been undertaken of procedures and policies with recommendations on changes to the current policy. This plan is to be adopted on our current policy but one of the improvement strategies is to do more analysis against industry based standards and apply this to the Pilbara with the possibility of updating our current policy and replacement strategy.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

POLICY 3.2 ASSET MANAGEMENT

STRATEGIC COMMUNITY PLAN

N/A

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/391

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Council endorse the Shire of East Pilbara Asset Management Plan – Plant & Fleet.

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

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

9.3.4 TENDER RFT 08-2013/2013-PANEL OF PREQUALIFIED TRADE SERVICE PROVIDERS

File Ref LEG-13-1

Attachments: [Confidential](#)

Responsible Officer: Mr Rick Miller
Director Technical Development Services

Author: Ms Helen Taulapiu
Technical Services Administration

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:49 AM Cr Kevin Danks returned to the Chambers
11:54 AM Cr Dean Hatwell left Chambers.

REPORT PURPOSE

For Council to award a tender to establish a panel of prequalified trade service providers to undertake the provision of various maintenance & minor construction works.

BACKGROUND

The Shire of East Pilbara has engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for Request for Tender 08_2012_2013 on behalf of the Shire of East Pilbara to establish a panel of prequalified goods and service providers to undertake the provision of various goods and service works within the Shire of East Pilbara's boundaries, including the Newman Airport and Newman Sewerage Treatment Plant.

The Services required under this panel arrangement includes:

Category A – Building & Plant Maintenance:

- (i) Air-conditioning Maintenance Services;
 - (ii) Fire Appliance Inspection and Maintenance Services;
 - (iii) Plumbing Maintenance Services;
 - (iv) Electrical Maintenance Services;
 - (v) Mechanical (Vehicle and Plant) Services;
 - (vi) Minor Construction and Maintenance Works;
 - (vii) Painting and Decorating Services;
 - (viii) Carpentry;
 - (ix) Concreting;
 - (x) Glazing Services;
 - (xi) CCTV Services; and
 - (xii) Security Services
-

Category B – Building Construction:

- (i) Building Supplies for the Construction of Dwellings

Category C – Landscaping and Horticultural Services:

- (i) Lawn/Garden Maintenance;
- (ii) Tree Maintenance; and
- (iii) Irrigation Systems Installation and Maintenance

Category D – Linemarking Services:

- (i) Airports;
- (ii) Roads/Carparks.

COMMENTS/OPTIONS/DISCUSSIONS

The tender was advertised in the West Australian in April 2013, and in the North West Telegraph in April 2013. The tender was also advertised on the WALGA TenderLink E-Tendering Portal, the Shire website and local notice boards. WALGA also scanned through Community directory and contacted businesses to advise of the tender being advertised. Closing date for the tender was 3:00pm on the 23rd April, 2013.

At close of tender, thirty seven (37) tender submissions were received as follows:

- 1) AGK Automotive Electrics;
- 2) Ahrens Group;
- 3) Allpumps and Waterboring;
- 4) BnJ's Earthmoving Pty Ltd;
- 5) Cape Range Electrical Contractors Pty Ltd;
- 6) Capricorn Blue Enterprises Pty Ltd;
- 7) CK & Y Poole t/a Nullagine Plumbing;
- 8) Customer First Contracting;
- 9) David Berry Property Maintenance;
- 10) Dirtpaw Pty Ltd;
- 11) DTMT;
- 12) Environmental Industries Ltd;
- 13) Eric Hood Pty Ltd;
- 14) Everything Woodwork;
- 15) Gascoyne Plumbing Solutions;
- 16) Global Electrotech;
- 17) Haden Engineering;
- 18) HPSA Building Services;
- 19) Insight (WA) Pty Ltd;
- 20) IP Cameras Australia;
- 21) Logys Power Services Pty Ltd;
- 22) Marble Bar Electrical Services P/L;
- 23) Megara Construction Pty Ltd;
- 24) Moolyella Fencing & Native Seed;
- 25) Reno Blast;
- 26) Sargent Rental and Maintenance;
- 27) Satellite Security;
- 28) Sungem Investments Pty Ltd T/As Marina Bricklayers;

- 29) The Shade Sail Man;
- 30) The Ward Family Trust T/As Airport Linemarking and Maintenance Solutions Pty Ltd;
- 31) T K Crawshaw Earthmoving;
- 32) TR Homes;
- 33) Workzone Pty Ltd;
- 34) Wormald;
- 35) Zenien.
- 36) HSV Land Surveys
- 37) TerraVac Vacuum Excavation

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

Demonstrated Experience	Weighting	35%
Organisational Capacity	Weighting	30%
Resources	Weighting	25%
Local Content	Weighting	10%

Pricing will also be a consideration. Other considerations in selection of panel include:

- I) Ability to supply a service in the Pilbara, without relying on an exclusive contract with the Shire or a set minimum number of hours.
- II) Ability to supply an on-site service in remote town-sites, Nullagine & Marble Bar.
- III) Service is of a specialist nature.

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

The results of the tender assessment indicate that the following are the most advantageous tenderers to Council (listed by category).

CATEGORY A – BUILDING AND PLANT MAINTENANCE:

Air-conditioning Maintenance Services:

- Ahrens Group
- Customer First Contracting
- Everything Woodwork
- Logsys Power Services Pty Ltd
- Marble Bar Electrical Services P/L
- DTMT
- Haden Engineering
- HPSA Building Services

Fire Appliance Inspection and Maintenance Services:

- Customer First Contracting
 - Global Electrotech
 - Wormald
-

Plumbing and Maintenance Services:

- Ahrens Group
- Customer First Contracting
- Everything Woodwork
- Gascoyne Plumbing Solutions
- Marble Bar Electrical Service P/L
- CK & Y Poole T/As Nullagine Plumbing
- Logsys Power Services P/L
- Reno Blast

Electrical Maintenance Services:

- Ahrens Group
- Allpumps and Waterboring
- DTMT
- Logsys Power Services P/L
- Cape Range Electrical Contractors P/L
- Customer First Contracting
- Everything Woodwork
- Marble Bar Electrical Services P/L

Mechanical (Vehicle and Plant) Services:

- AGK Automotive Electrics
- Dirtpaw Pty Ltd
- DTMT
- Sargent Rental and Maintenance

Minor Construction and Maintenance Works:

- Ahrens Group
- BnJ's Earthmoving Pty Ltd
- Capricorn Blue Enterprise Pty Ltd
- Customer First Contracting
- Everything Woodwork
- Insight (WA) Pty Ltd
- Moolyella Fencing & Native Seed
- Reno Blast
- The Shade Sail Man
- DTMT
- Logsys Power Services P/L
- Megara Construction P/L
- Workzone

Painting and Decorating Services:

- Ahrens Group
- David Berry Property Maintenance
- Eric Hood Pty Ltd
- Everything Woodwork
- Workzone

- Customer First Contracting
- Insight (WA) P/L
- Logsys Power Services P/L
- Megara Construction P/L

Carpentry:

- Ahrens Group
- Capricorn Blue Enterprise Pty Ltd
- Customer First Contracting
- Everything Woodwork
- Insight (WA) Pty Ltd
- Logsys Power Services P/L
- Marble Bar Electrical Service P/L
- DTMT
- Megara Construction P/L

Concreting:

- Ahrens Group
- Capricorn Blue Enterprise Pty Ltd
- Everything Woodwork
- Logsys Power Services P/L
- Marble Bar Electrical Service P/L
- Megara Construction P/L
- The Shade Sail Man
- DTMT

Glazing:

- Capricorn Blue Enterprise Pty Ltd
- Customer First Contracting
- Logsys Power Services P/L
- Everything Woodwork
- Marble Bar Electrical Services

CCTV Services:

- Customer First Contracting
- Everything Woodwork
- IP Cameras Australia
- Satellite Security
- Zenien

Security Services:

- Everything Woodwork
- Satellite Security
- Zenien

CATEGORY B – BUILDING AND PLANT MAINTENANCE:

Building Supplies for the Construction of Dwellings:

- Capricorn Blue Enterprise Pty Ltd
- DTMT
- Megara Constructions P/L
- Reno Blast

CATEGORY C – LANDSCAPING AND HORTICULTURAL SERVICES:

Lawn/Garden Maintenance:

- Ahrens Group
- Environmental Industries Ltd
- Logsys Power Services P/L
- Workzone Pty Ltd

Tree Maintenance:

- Ahrens Group
- Environmental Industries Ltd
- Logsys Power Services P/L
- Workzone P/L

Irrigation Systems Installation and Maintenance:

- Ahrens Group
- Allpumps and Waterboring
- CK & Y Poole T/As Nullagine Plumbing
- Environmental Industries Ltd
- Logsys Power Services P/L
- Workzone Pty Ltd

CATEGORY D – LINEMARKING SERVICES:

Airports:

- Reno Blast
- The Ward Family Trust T/As Airport Linemarking
- Workzone P/L
- T K Crawshaw Earthmoving

Roads/Carparks:

- T K Crawshaw Earthmoving
- The Ward Family Trust T/As Airport Linemarking
- Workzone

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

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/392

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council award tender RFT08-2012/2013 to establish a panel of prequalified goods and service providers to undertake the provision of various goods and services to the following tenderers.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 6 - 2**

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

CATEGORY A – BUILDING AND PLANT MAINTENANCE:

Air conditioning Maintenance Services
Ahrens Group
Customer First Contracting
Everything Woodwork
Logsys Power Services P/L
Marble Bar Electrical Services P/L

Fire Appliance Inspection and Maintenance Services
Customer First Contracting
Global Electrotech

Plumbing and Maintenance Services
Ahrens Group
Customer First Contracting
Everything Woodwork
Logsys Power Services Pty Ltd
Gascoyne Plumbing Solutions
Marble Bar Electrical Services Pty Ltd

Electrical Maintenance Services
Marble Bar Electrical Services Pty Ltd
Logsys Power Services Pty Ltd
Everything Woodwork
DTMT
Customer First Contracting
Cape Range Electrical Contractors Pty Ltd
Ahrens Group

Mechanical (Vehicle and Plant) Services
Sargent Rental and Maintenance
DTMT
Dirtpaw Pty Ltd
AGK Automotive Electrics

Minor Construction and Maintenance Works
Ahrens Group
BnJ's Earthmoving Pty Ltd
Capricorn Blue Enterprises Pty Ltd
Customer First Contracting

Painting and Decorating Services
Ahrens Group
David Berry Property Maintenance
Eric Hood Pty Ltd
Everything Woodwork
Insight (WA) Pty Ltd
Workzone

Carpentry
Ahrens Group
Capricorn Blue Enterprises Pty Ltd
Customer First Contracting
Everything Woodwork
Insight (WA) Pty Ltd
Logsys Power Services Pty Ltd
Marble Bar Electrical Services P/L
Megara Constructions P/L

Concreting
Ahrens Group
Capricorn Blue Enterprises Pty Ltd
Everything Woodwork
Logsys Power Services Pty Ltd
Marble Bar Electrical Services Pty Ltd
The Shade Sail Man

Glazing Services
Customer First Contracting
Capricorn Blue Enterprises Pty Ltd
Everything Woodwork
Logsys Power Services Pty Ltd

CCTV Services
Everything Woodwork
IP Cameras Australia
Satellite Security
Zenien
Customer First Contracting

Security Services
Everything Woodwork

Satellite Security
Zenien

CATEGORY B – BUILDING AND PLANT MAINTENANCE:

Building Supplies for the Construction of Dwellings
Capricorn Blue Enterprises Pty Ltd
DTMT
Megara Construction Pty Ltd

CATEGORY C – LANDSCAPING AND HORTICULTURAL SERVICES:

Lawn/Garden Maintenance
Environmental Industries
Logsys Power Services Pty Ltd
Workzone
Ahrens Group

Tree Maintenance
Ahrens Group
Environmental Industries
Logsys Power Services Pty Ltd

Irrigation Systems installation and Maintenance
Ahrens Group
Environmental Industries
Logsys Power Services Pty Ltd
Workzone

CATEGORY D – LINEMARKING SERVICES:

Linemarking Services – Airports
Reno Blast
Airport Linemarking Solutions Pty Ltd
Workzone

Linemarking Services – Roads/Carparks
Reno Blast
Airport Linemarking Solutions Pty Ltd
Workzone

9.3.5 PROPOSED CLOSURE OF PORTIONS OF TOWN CENTRE ROADS

File Ref: A409985
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Newman Town Centre
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:21 PM Meeting adjourned for Lunch and Presentations by FMG
Ms Vick James and Mr Langmead provided an update on Fortescue
Metals Group.

Senior Sergeant Shane Sadler from Newman Police provided an
update on actives in Newman. He was also presented with a Shane
Warne Bat and Ball for the Bloodyslow Cup Auction by the Councillors.

1:45 PM Meeting resumed, All Councillors and staff returned to Chambers except
Cr Lang Coppin.

REPORT PURPOSE

Council's consideration is required in relation to the closure of portions of existing roads within the Newman town centre in relation to works relating to the Newman Revitalisation Plan.

BACKGROUND

Council originally considered the closing of portions of roads within the town centre at its meeting held on 17 December 2010. This was followed by letters being sent out to affected stakeholders and utility providers in July of 2011. The letters were the last action to be undertaken prior to the proposed closure being formally accepted by Council, which is yet to take place. It is unknown as to why the process was halted and it has only since been discovered that the process is incomplete as a result of working group meetings involving Landcorp, State Lands and the Shire.

The closure involves the closing of portions of the following roads (also identified in the attached plan):

- Portions of Newman Drive between Mindarra Drive and Hilditch Avenue;
- Portions of Mindarra Drive between Newman Drive and Calcott Street;
- Portions of Rogers Way between Newman Drive and Iron Ore Parade;
- Portions of Iron Ore Parade between Hilditch Avenue and Rogers Way;
- Portion of Hilditch Avenue between Newman Drive and Iron Ore Parade; and
- Portion of Calcott Street between Mindarra Drive and Stojic Road.

On investigation of the proposal, it was found that the proposed closure was never advertised in accordance with the Land Administration Regulations, namely, a public notice in a local newspaper. This has since been undertaken with a notice being published on April 3 2013 inviting submissions closing on 8 May 2013. At the close of the notice period no submissions were received.

COMMENTS/OPTIONS/DISCUSSIONS

The Land Administration Act 1997 and associated Regulations require the proposal to be advertised with a submission period of 35 days in addition to affected stakeholders and utility providers being advised in writing. Both actions have been undertaken with only one submission being received from Main Roads advising of no issues with the proposal.

The proposed closures are required to complete works being undertaken by Landcorp as part of the Newman Revitalisation Plan. It should also be noted that subdivision approval has already been granted to some of the above mentioned closures, however, they still require to be formally closed by State Lands. For State Lands to complete this process they require a Council resolution accepting the closures.

Given that Council favourably supported to initiate the closure in 2010 and that the works are vital to the town centre, it is recommended that Council resolve to request the minister to close the road portions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

- 3.4.2 Plan well for the future development of the Shire
Responsible officer: CEO
Timing: 1-5 years

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

- 3.3 Provide adequate community infrastructure

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/393

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

THAT Council resolves to request the Minister for Lands to formally close portions of Newman Drive, Mindarra Drive, Rodgers Way, Iron Ore Parade, Hilditch Avenue and Calcott Street as detailed on the attached plan in accordance with Section 58(2) of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998.

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

To be actioned by Mr Adam Majid, Manager Development Services – Planning.



1:10000

LEG

- Red square
- Blue square

9.3.6 PROPOSED EXCISION OF LAND FROM RESERVE 38512 (BOOMERANG OVAL)

File Ref: PLN-8-3-4, A409750
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Boomerang Oval, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

1:47 PM Cr Lang Coppin returned to the Chambers

REPORT PURPOSE

Council's consideration is required with regards to the proposed excision of two (2) portions of land from the existing Boomerang Oval Reserve in accordance with the Newman Revitalisation Plan.

BACKGROUND

Council is familiar with the Newman Revitalisation Plan (NRP) which incorporates the Town Centre Master Plan which identifies significant changes and reformation of Boomerang Oval. To date, the extension of Iron Ore Parade and the development of the new sporting pavilion have been completed in accordance with the Master Plan and now attention is drawn to the future of the surplus land as a result of such construction.

As part of the Mater Plan, there is identified a large portion of land (herein referred to as Lot 4) which is identified to be given back to the state for the sale of such land to the private sector through Landcorp. Lot 4 is approximately 8000m² in size and is primarily identified by the Master Plan as being developed for accommodation and commercial purposes (office and some retail). Lot 4 is located on the corner of Newman Drive and Iron Ore Parade and is identified as being a landmark building needing to provide an entry statement in accordance with the Town Centre Design Guidelines.

The second lot, herein referred to as Lot 2, is situated on the corner of Calcott Crescent and Stojic Road and is identified for the future use and development as a Civic Centre under the care and control of Council. Lot 2 has a total area of 3544m².

COMMENTS/OPTIONS/DISCUSSIONS

In relation to the subdivision of the Boomerang Oval Reserve, the Western Australian Planning Commission has approved the proposal to subdivide the Reserve; however, as it is land reserved under the Land Administration Act 1997, it needs the approval of the Minister for Lands to excise such lots.

In relation to Lot 4, Landcorp have already commenced proceedings in obtaining registrations of interest in the land for development purposes. It is understood that the process is ongoing and results will be known in due course.

Furthermore, Shire staff have been advised by State Land Services that Lot 4 will need to be cleared of any existing developments prior to the state taking back the land. This will require the demolition of the now retired sports clubroom and the general tidying of the land. Quotations are currently being obtained to undertake this work.

Given that the proposal is consistent with the NRP and subdivision approval has already been granted, it is recommended that Council resolve to excise proposed Lots 2 and 4 from the subject Reserve.

STATUTORY IMPLICATIONS/REQUIREMENTS

Ministerial approval is required for the excision under the Land Administration Act 1997.

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.

2.3 Art, culture and youth

- 2.3.1 Develop and implement community pride projects
Responsible officer: MCW
Timing: 1 year

Goal 3 – Economic – Planned Actions

- 3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land
Responsible officer: CEO
Timing: 1-5 years
- 3.4.2 Plan well for the future development of the Shire
Responsible officer: CEO
Timing: 1-5 years

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

- 3.1 Business diversification and promotion

- 3.1.2 Build a thriving and diverse economy
Responsible officer: DCEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/394

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

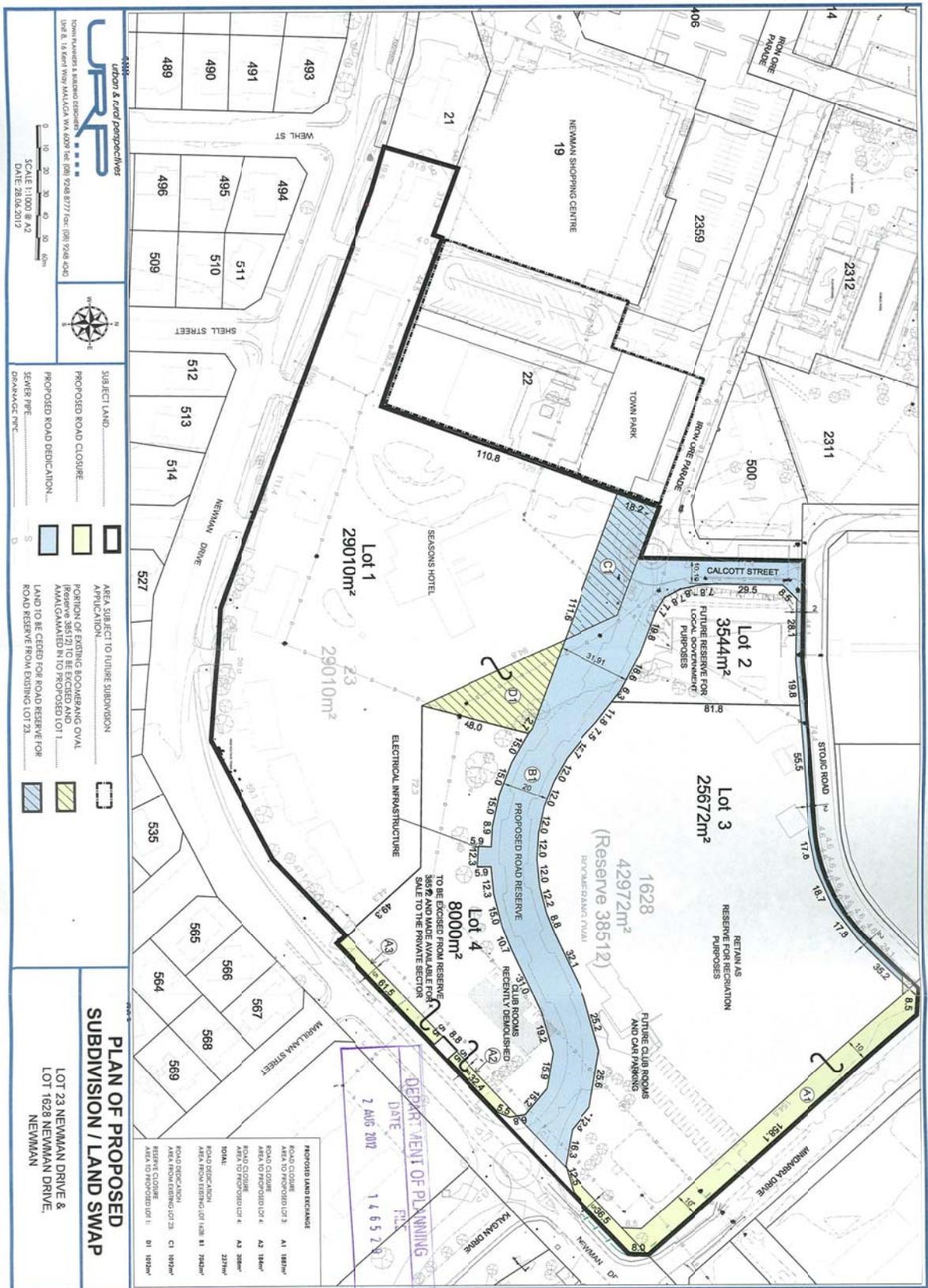
THAT Council

- 1. Requests the Minister for Lands to excise proposed Lot 2 (as identified on the approved subdivision plan attached) from Reserve 38512, being Lot 1628 on Deposited Plan 185896 for the purposes of "Civic Centre"; and**
- 2. Requests the Minister for Lands to excise proposed Lot 4 (as identified on the approved subdivision plan attached) from Reserve 38512, being Lot 1628 on Deposited Plan 185896 for the purposes of ceding the land back to the state for the future sale of such land to the private sector.**

CARRIED

RECORD OF VOTE: 9 - 0

To be actioned by Mr Adam Majid, Manager Development Services



9.3.7 APPLICATION TO KEEP MORE THAN TWO DOGS, MR THOMAS FOX, 1 FRANCIS STREET, MARBLE BAR WA 6760.

File Ref: RNG-5-14
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Geoff Smith
Shire Ranger
Location/Address: 1 Francis Street, Marble Bar WA 6760
Name of Applicant: Mr Thomas Fox
Author Disclosure of Interest: Nil

11:49 PM Cr Lang Coppin left Chambers.

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 1 Francis Street, Marble Bar, WA 6760.

BACKGROUND

Mr Thomas Fox has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs on the premises at 1 Francis Street, Marble Bar, WA 6760.

In the application two dogs are registered to Mr Thomas Fox at the above address namely "Polly" a female Red Cloud Kelpie, registration G30330 and "Kristal" a female Border Collie Cross, registration G30329. The third dog forming part of this application is a male Kelpie Cross.

COMMENTS/OPTIONS/DISCUSSIONS

Reasons for keeping more than two Dogs:

In this application Mr Fox states

"1) Primary reason – to deter unlawful and unwanted entry into the yards of the Ironclad Hotel.

As the only Hotel in Marble Bar the dogs offer a conspicuous deterrent.

The three dogs are not aggressive breeds and are not guard dogs as such but they collectively keep a big area secure.

As part of the application process a notice was placed on the Public Notice Board at the Shire of East Pilbara office in Marble Bar. There was no negative response to this notice. As there are no residents adjacent to this address there was no residential survey done.

Dog History:

There are no offences on our records.

Complaints: Nil

Property Inspection:

A full inspection was carried out by Council Rangers at the premises on 08th March 2013. The fencing and gating of the premises was found to be satisfactory. The dogs were inspected and found to be in good health and compliant with the Dog Act 1976.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 (as amended) Section 26(3)

Shire of East Pilbara Dogs Local Law (2000) clause 3.2 (1) (b)

The Dog Act allows the Shire to control the number of dogs by gazetting Local Laws. The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises in a town site.

Section 26(3) of the Dog Act 1976 states:

Where by a Local Law under this Act a local Government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –

(a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;

(b) shall not operate to authorise the keeping of more than 6 dogs on those premises ;and

(c) may be revoked or varied at any time.

Section 26(5) of the Dog Act 1976 allows for an aggrieved applicant to appeal to the Minister of Local Government if the application is unsuccessful or to vary the conditions set by the Local Government.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/395

MOVED: Cr Kevin Danks

SECONDED: Cr Dean Hatwell

THAT Council approve the keeping of three (3) dogs 1 Francis Street, Marble Bar, WA 6760, subject to the following conditions:

- 1. All dogs are to be registered with the Shire of East Pilbara at all times;**
- 2. Only the dogs specified in the application to be kept at the nominated address. Any changes to these circumstances requires reapplication;**
- 3. Any contravention of the Dog Act 1976 (As Amended) or Shire of East Pilbara Dogs Local Law is reason for immediate, "on the spot"; revocation of this permission.**
- 4. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission;**
- 5. All other conditions as per Shire of East Pilbara standard conditions for keeping of more than three dogs.**

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

To be actioned by Mr Andrew Norris, Coordinator Ranger and Emergency Services.

9.3.8 USE OF MARBLE BAR SHIRE OFFICE AS AN INCIDENT CONTROL CENTRE DURING EMERGENCIES

File Ref: A200070
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Andrew Norris
Coordinator Ranger and Emergency Services
Location/Address: Shire of East Pilbara Administration Offices,
Francis Street, Marble Bar
Name of Applicant: Marble Bar Local Emergency Management
Committee

Author Disclosure of Interest: Nil

1:50 PM Cr Lang Coppin returned to the Chambers

REPORT PURPOSE

To seek Council approval for emergency organisations to use the Marble Bar Administration Offices as an Incident Control Centre during periods of emergency.

BACKGROUND

Marble Bar Local Emergency Management Committee (LEMC) at their meeting on 01 May 2013, requested Council permission for the use of the Shire of East Pilbara's Marble Bar offices during major emergencies (e.g. major fire or cyclone).

The reason for this request is that other facilities which have previously been utilised for this purpose have proven inadequate due to size or available facilities. This has been noted as a result of the previous two cyclones (Rusty and Lua).

The Shire offices at Marble Bar have been identified as the most suitable facility due to the space available internally for an Incident Management Team (IMT) and Incident Support Group (ISG) meetings, as well as externally for vehicles and equipment and has suitable communications and IT equipment on hand.

Additionally the Marble Bar LEMC is held in Chambers at this location and those persons who may be part of an Incident Management Team are familiar with the layout and facilities available.

COMMENTS/OPTIONS/DISCUSSIONS

In the event of a multi-agency emergency, the Shire office at Marble Bar provides enough room to enable efficient and effective operation of an incident management team. Multiple offices can be utilised for meetings, planning and operations areas. This would allow the separation of the various IMT roles whilst maintaining them in the same building. Other buildings such as the VES headquarters and Police station lack the space to be fully functional. The other Marble Bar facility that has been considered for this role is the CRC building, whilst it lacks the functionality of the

Shire of East Pilbara Offices; it is identified as the alternative location for such a facility.

Provision of community information also becomes easier to manage from the Shire Office as having the Incident Controller onsite will facilitate the dissemination of information. Information can easily be conveyed to the Shire of East Pilbara and then to the public by the use of notice boards, public meetings or through the normal rush of telephone calls. The Shire of East Pilbara is also required to provide a liaison officer within the IMT at any multi-agency incident.

The requirement to provide public information is, in the first instance the responsibility of the HMA but once the Shire of East Pilbara is handed responsibility for the recovery phase of an emergency then it also becomes the Shire of East Pilbara's responsibility (See SOEP Emergency Management Plan and Emergency Management Act 2005). Having the same location for this purpose during both response and recovery phase of an incident prevents confusion and assists in a smooth transition.

There is no requirement to provide the offices for use as a control centre this is at council's discretion. The ultimate location of an incident control centre is at the discretion of the Hazard Management Agency (HMA), or Combat Authority and the appointed Incident Controller and the availability of the desired building. However it is good planning to have pre-identified facilities and arrangements in place. This could also be considered as good governance and compliments councils strategic plan.

It is believed that interruption to Shire of East Pilbara business from such use would be minimal, as in the event of an incident that required the use of the building the incident would be of a size that would potentially affect the majority of residents in the town. The main emergency incident likely to require the use of the building is cyclone or major bushfire.

STATUTORY IMPLICATIONS/REQUIREMENTS

Emergency Management Act 2005, Section 36 Functions of Local Government

POLICY IMPLICATIONS

1.13 Use of Council Chambers

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To provide details on who can use the Council Chambers.

Policy

The Council Chambers and Committee Room shall be used only for Council functions and meetings. The Chief Executive Officer is empowered to approve the use of the Council Chambers for other functions and meetings when special

circumstances exist, however, it is Council's Policy that community groups and organisations should not use the Council Chambers but should be directed to other Council owned public buildings.

2.34 Use of Council Equipment

Minute No: Item 9.2.2
Date: 10th December 2002
Other Ref Code of Conduct

Objective

Council developed this policy to promote the maintenance of Council's property.

Policy

Council has made available to employees in Council owned or managed housing the use of one lawn mower, one whipper snipper and trailer for the purpose of maintaining lawns and garden areas of Council owned or managed housing. Use of any other equipment is not permitted.

Council employees wishing to utilise the available equipment outside of working hours shall be permitted to do so, subject to the provisions contained hereunder being met.

Employees must obtain permission in writing from the Manager or Supervisor responsible for the equipment.

Permission must be sought prior to using the equipment and done so by completing the appropriate form.

If permission is granted then it is the responsibility of that employee to coordinate with the supervisor to avoid any disruption / negative impact on the conducting of regular Council business. Council prefers that the equipment be loaned on a Friday afternoon and returned to work first thing on the Monday morning.

Any usage of Council plant or equipment in accordance with this policy must not be for secondary employment and is restricted to personal use only. Persons utilising Council plant or equipment will be held responsible for the loss of or damage to such items.

The use of any plant or equipment that the employee has not been trained or skilled in the use of is strictly prohibited.

Contravention of Council Policy, Safety Rules or this policy may terminate any future private usage of Council plant or equipment for the individual concerned and in serious circumstances may result in disciplinary action against offending personnel.

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

Goal 3 – Economic – Planned Actions

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications. Any costs associated with the use of the building during the response to an emergency are recoupable from the respective HMA.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/396

MOVED: Cr Dean Hatwell

SECONDED: Cr Lang Coppin

THAT Council allow the Marble Bar Administration Offices to be used as an incident control centre in the event of emergencies, subject to the approval of the Chief Executive Officer or nominated representative.

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

To be actioned by Mr Andrew Norris, Coordinator Ranger and Emergency Services.

9.3.9 SHIRE OF EAST PILBARA EMERGENCY MANAGEMENT ARRANGEMENTS

File Ref:	RNG-5-14
Attachments:	<u>Local Emergency Management Plan 2013</u> <u>Under Separate Cover</u>
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Andrew Norris Coordinator Ranger and Emergency Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For council to be aware of, ratify and apply the Shire of East Pilbara common seal to the latest version of the "Shire of East Pilbara, Emergency Management Arrangements 2013" as attached.

BACKGROUND

The previous emergency management arrangements were written in 2005 prior to the introduction of Emergency Management legislation (Emergency Management Act 2005). Whilst this document was still pertinent it required updating to include the latest guidelines and requirements under the legislation. The new arrangements have been completely re-written but borrow much of its information from the previous document.

It is normal that such arrangements are preceded by a community based Risk Assessment (Community Consultative Risk Management process, CCERM). In this instance this has not been undertaken as the authors were instructed not to undertake any risk assessment in relation to the preparation of the document. This project may be visited at a later stage. Risk assessment was alternatively undertaken through, using work previously undertaken prior to 2005 and in consultation with the three Local Emergency Management Committees.

COMMENTS/OPTIONS/DISCUSSIONS

These arrangements are the shires' guide for action in the event that one or more of its communities are subjected to an incident or emergency. It advises the necessary actions and identifies the people required to be involved if an incident takes place. The arrangements are attached; as they are amended, the most recent version will be made available on the Shires website.

Other documents also form part of the arrangements they are; Shire of East Pilbara Fire Management Plan, Administration Office Emergency Procedures, Cape Keraudren Cyclone procedures and the Shire of East Pilbara Recovery Plan.

The primary document has been tabled at each of the three LEMC's (Newman Nullagine and Marble Bar). Wherever possible and in line with the relevant state guidelines and policies, amendments have been made and incorporated into the document.

Overall only four amendments were suggested of which three were included in the document. The fourth was not in line with the current legislation and was not incorporated for that reason. After all amendments were made, each of the Local Emergency Coordinators has signed the document as ratification by that particular LEMC.

STATUTORY IMPLICATIONS/REQUIREMENTS

It is a requirement of the Emergency Management Act 2005 that Local Government 'ensure' that Local Emergency arrangements are written for its district and that they are reviewed or re-written at least every five years.

Sections 41 to 43 of the Act describe these requirements and significant State Policies describe the format and how the arrangements are to be undertaken and written. The current arrangements have taken all these requirements into consideration in the development of this plan.

POLICY IMPLICATIONS

No Council policy currently exists in relation to emergency management. This document should now form part of the Councils policy relating to its emergency management responsibilities. Other documents associated with the arrangements should also be incorporated as part of Councils Policy on Emergency Management.

PLAN FOR FUTURE OF THE DISTRICT

Goal Two – Implement the recommendations from the *Community Safety and Crime Prevention Plan*.

FINANCIAL IMPLICATIONS

Costs are ongoing with works being undertaken by a consultant from WALGA and Coordinator Ranger Services. Costs to date have been sourced from the annual operating budget. A proposal to undertake future risk assessment work may be funded through an AWARE (All West Australians Reducing Emergencies) grant from Emergency Management WA (EMWA).

Further funding to allow for equal contributions from Council and grant should be considered in the 2013/14 budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/397

MOVED: Cr Shane Carter

SECONDED: Cr Dean Hatwell

THAT Council endorse and affix the Shire of East Pilbara common seal to the described Document, "Shire of East Pilbara Emergency Management Arrangements 2013" as attached.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mr Andrew Norris, Coordinator Ranger and Emergency Services.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**11.1 TENDER RFT 07-2012/2013 – CONSTRUCTION OF EXERCISE NODES,
LANDSCAPING AND ROAD RESURFACING WORKS BE ACCEPTED AS
ITEM 11.1.1.**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/398

MOVED: Cr Kevin Danks

SECONDED: Cr Gerry Parsons

**THAT Tender RFT 07-2012/2013 – Construction of Exercise Nodes,
Landscaping and Road Resurfacing Works be accepted as item 11.1.1.**

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

**11.1.1 TENDER RFT 07 2012/2013 - CONSTRUCTION OF EXERCISE NODES,
LANDSCAPING AND ROAD RESURFACING WORKS**

File Ref: LEG-13-1
Attachments: [Callcott-L-Base RG B.pdf](#)
[Fortescue Avenue main.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Rick Miller
Director Technical and Development Services
Proposed Meeting Date: 24 May 2013
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider tenders for construction of projects Fortescue Ave Exercise Nodes; Calcott Cr Landscaping, Kerbing and Road Resurfacing in the 2012/13 adopted and amended budget.

BACKGROUND

The Shire of East Pilbara engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for RFT 07_2012_2013 - Construction for Exercise Nodes, Landscaping and Road Resurfacing Works in the town of Newman, Western Australia.

The tendered works were presented as 3 projects to be priced:

- Project 1: Fortescue exercise nodes;
- Project 2a: Calcott landscaping and kerbing; and
- Project 2b: Calcott road resurfacing.

The tender was advertised in the West Australian on 20 April 2013, The North West Telegraph on 24 April 2013 and on the WALGA TenderLink Portal, Shire Website and Noticeboards.

A mandatory site visit/tender briefing was held in Newman on the 30 April 2013 of which 7 suppliers attended. The tender period was extended and closed on the 13 May 2013 with 5 tender submissions received for evaluation.

Tender submissions were received from the following organisations:

- Environmental Industries Pty Ltd;
- Landscaping WA;
- Tasearthmoving;
- Total Eden; and
- Total Ed trading as DME Contractors.

COMMENTS/OPTIONS/DISCUSSIONS

Funding for these projects has been provided by BHP for beautification works in Newman townsite for Activity Trail and Exercise nodes (allocation \$900,000) and Calcott Beautification and Landscaping (allocation \$416,000). All amounts stated are exclusive of GST.

Once design and procurement costs had been expended the balance for construction of each project was \$839,396 for Activity Trail and Exercise nodes and \$374,329 for Calcott Beautification and Landscaping. Project drawings are attached.

Most submissions through the evaluation process demonstrated understanding and capability to undertake all works and the detailed assessment is contained in the confidential report.

The assessment recommended that the most advantageous offers to Council were best to be undertaken by splitting the awarding of the tender to two separate contractors.

The recommended tender for project 1 was less than the budget allocation which has left a surplus that can be allocated to other activity trail related projects later in the year.

Project 2 was split into two areas of works which included the landscaping, pathways and kerbed medians for the carpark in Calcott Cr and Road Resurfacing of the carpark area.

Project 2a has come in over the budgeted funds by \$28,734 in which BHP is considering a shire request for this amount to be treated as a minor variation and to reallocate funds from the surplus of project 1. This overexpenditure could also be sourced from a/c 121031 town street maintenance should the minor variation not be approved by BHP. Project 2a has come in over the budgeted funds by \$237,992 and as this is a major variation it would have to go through a more extensive approval process by BHP to consider any reallocation of funds. Noting this and the likely lapse

of the tender offers it will be recommended to reject all submissions for this component.

The shire will request BHP to consider either reallocating funds or supplying additional funds to complete the resurfacing works but this will now be followed up separately to the tender process and other options will be investigated.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 *Ethical, accountable and transparent decision-making*
 - 1.1.2 *Continued strong financial management*
 - 1.1.3 *Effective business management*

Goal 2 – Social – Planned Actions

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

- 2.1 Health and recreation
 - 2.1.2 *Encourage active lifestyles*

Goal 3 – Economic – Planned Actions

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

- 3.3 Provide adequate community infrastructure
 - 3.3.1 *Ensure well managed and equitable provision of community infrastructure*

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/399

MOVED: Cr Doug Stead

SECONDED: Cr Shane Carter

THAT Council

1. That Council award Tender RFT 07-2012/2013 – Project 1 - Fortescue Av Exercise Nodes to Landscaping WA Pty Ltd for the price of \$592,952.89 ex GST and;
2. That Council award Tender RFT 07-2012/2013 – Project 2a – Calcott Cr Landscaping and Kerbing to Environmental Industries Pty Ltd for the price of \$403,063.00 ex GST and;
3. That Council reject all tenders for RFT 07-2012/2013 – Project 2b – Calcott Cr Road Resurfacing.

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

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

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

Nil

13 GENERAL BUSINESS

13.1 LIVE EXPORT

Cr Lang Coppin gave an update on the live export restrictions as it is starting to have a major effect on the Stations around the Pilbara.

13.2 WALGA – BANNERS ON THE TERRACE

Cr Shane Carter asked if the Shire of East Pilbara is entering into the Banners on the Terrace.

Deputy Chief Executive Officer replied yes youth services have prepared a banner for display.

13.3 PARKING ON VERGES

Cr Doug Stead asked if he can obtain a copy of the rules for parking on verges.

Director Technical and Development Services to follow up.

13.4 MAJOR PROJECTS

Cr Doug Stead has asked if it was possible to get a list of major projects for the East Pilbara district.

13.5 UPDATE LOCAL SIGNS

Cr Doug Stead asked if the signs around Newman can be updated as they are deteriorating.

Director Technical and Development Services to follow up.

13.6 BLOODYSLOW CUP

Cr Gerry Parsons asked if the Bloodyslow Cup could be moved back to the Boomerang Oval as it clashes with other sports.

13.7 WARRAWAGINE ACCESS ROAD

Cr Lang Coppin asked if a letter can be sent to the new owners of Molly Mines regarding the maintenance of the Warrawagine Access Road.

Director Technical and Development Services to follow up.

13.8 HOMESWEST HOUSING

Cr Anita Grace asked why so many homeswest houses are boarded up in Newman, when there is a shortage of public housing.

Chief Executive Services to follow up.

13.9 SHIRTS FOR COUNCILLORS

Cr Anita Grace asked if it was possible to obtain new shirts for the Councillors.

Chief Executive Officer to follow up.

13.10 FORTESCUE FESTIVAL FLOAT PARADE

Cr Lynne Craigie said there will be a float parade at the Fortescue Festival this year and to pass the word around as it would be lovely to have a lot of entrants in the event.

13.11 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Cr Lynne Craigie gave an update on the constitution progress.

14 DATE OF NEXT MEETING

28th June 2013, Nullagine

15 CLOSURE

2:24 PM