



## **EAST PILBARA SHIRE COUNCIL**

# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council will be held,  
in Council Chambers, Newman,  
10.00 AM, FRIDAY, 26 MAY, 2017.

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



## **DISCLAIMER**

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

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

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

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

## **WRITTEN CONFIRMATION**

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

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

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

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

**2.1 ATTENDANCES**

Councillors

Cr Lynne Craigie  
Cr Lang Coppin OAM  
Cr Michael Kitchin  
Cr Anita Grace  
Cr Craig Hoyer  
Cr Shane Carter  
Cr Gerry Parsons  
Cr Jeton Ahmedi  
Cr Dean Hatwell

Shire President  
Deputy Shire President  
Councillor  
Councillor  
Councillor  
Councillor  
Councillor  
Councillor  
Councillor

Officers

Ms Sian Appleton  
Mr Rick Miller  
  
Mrs Sheryl Pobrica

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

Public Gallery

**2.2 APOLOGIES**

Councillor Apologies

Cr Biddy Schill

Councillor

Officer Apologies

Mr Allen Cooper

Chief Executive Officer

**2.3 LEAVE OF ABSENCE**

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

**4 PUBLIC QUESTION TIME**

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

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

**7.1 CONFIRMATION OF MINUTES**

[Minutes April 21 2017 Council.DOCX](#)

**OFFICER'S RECOMMENDATION**

**THAT the minutes of the Ordinary Meeting of Council held on 21 April 2017, be confirmed as a true and correct record of proceedings.**

**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

**8.2 ITEMS FOR INFORMATION**

## **9 OFFICER'S REPORTS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - APRIL 2017**

**File Ref:** CLR-4-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Proposed Meeting Date:** 26 May 2017  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### **REPORT PURPOSE**

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

### **BACKGROUND**

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

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

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

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

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

### **POLICY IMPLICATIONS**

Nil

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## **STRATEGIC COMMUNITY PLAN**

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

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

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

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

## **RISK MANAGEMENT CONSIDERATIONS**

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

## **FINANCIAL IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple.



**OFFICER'S RECOMMENDATION**

**THAT the Chief Executive Officer "Status of Council Decisions" Report for the month of April 2017 be received.**

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
9.5	13.7	LABOR'S PLAN FOR THE PILBARA Cr Craig Hoyer, said he looked into the newly elected State Government document Labor's Plan for the Pilbara and noticed they have allocated \$100,000 for a new outdoor basketball court? Does the Shire have any details of this? Mr Allen Cooper, CEO replied yes in Newman it was in the plan but didn't know where the Labor Party got the information from.	CEO	CEO to follow up	On Going
17 March 2017	13.10	TOBACCO TAX Cr Lang Coppin asked if a letter could be written to the state & federal government regarding the increase of tobacco tax, as there has been an increase in burglaries at businesses e.g. roadhouses. This is due to the increase of tax as many people cannot afford to buy cigarettes so they break into properties/business just for cigarettes. If prices were reasonable then people would not be breaking and entering into properties. Mr Allen Cooper, CEO to try and gather more information.	CEO	Letter sent	In Progress

### 9.1.2 EXTRAORDINARY VACANCY - EAST WARD

**Attachments:** [Media Release](#)  
**File Ref:** CLR-2-2  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Grant Watson  
Coordinator Executive Services  
**Proposed Meeting Date:** 26 May 2017  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

For Council to approve holding the extraordinary election required to fill the East Ward vacancy, over to the ordinary Election Day to be held on the third Saturday in October 2017.

### BACKGROUND

Sadly, Cr John Jakobson passed away on Saturday April 22<sup>nd</sup> after a long battle with cancer.

Cr Jakobson was elected to the East Ward at the Local Government elections in October 2015 and was up for election at the 2017 election.

Council consideration regarding the vacant East Ward position is required.

### COMMENTS/OPTIONS/DISCUSSIONS

Media Release attached.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995  
Part 2 Constitution of local government  
Division 6 Terms of office on the council and vacation of office  
Section 2.3(2)

*“The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —*

- (a) dies; or*
- (b) resigns from the office; or*
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*

- (d) *advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or*
- (da) *is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*
- (e) *becomes the holder of any office or position in the employment of the local government; or*
- (f) *having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.”*

Local Government Act 1995

Part 4 Elections and other polls

Division 6 Postponement and consolidation of elections

Section 4.16(4)

“If a member’s office becomes vacant under section 2.32 —

- (a) after the third Saturday in January in an election year; but
- (b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.”

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC COMMUNITY PLAN**

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

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

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making
    - Responsible officer: DCEO
    - Timing: As appropriate
  - 1.1.2 Continued strong financial management
    - Responsible officer: DCEO
    - Timing: 1 year
  - 1.1.3 Effective business management
    - Responsible officer: DCEO
    - Timing: 1-3 years

## **RISK MANAGEMENT CONSIDERATIONS**

Need to comply with relevant legislation.

**FINANCIAL IMPLICATIONS**

Postponing the extraordinary election to the October 2017 ordinary elections should result in savings through economies of scale. The 2017 ordinary elections cost will be included in the 2017/18 budget.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council seek the approval of the Western Australian Electoral Commissioner for the East Ward vacancy to remain vacant, and fix the ordinary election day of 21 October 2017 as the day for the extraordinary election to fill the vacancy.**

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS  
- APRIL 2017**

**File Ref:** CLR-4-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Proposed Meeting Date:** 26 May 2017  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

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

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government Act 1995  
Part 2 Constitution of local government  
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- (2) Without limiting subsection (1), the council is to -
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

**POLICY IMPLICATIONS**

Nil

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## **STRATEGIC COMMUNITY PLAN**

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

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

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

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

## **RISK MANAGEMENT CONSIDERATIONS**

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

## **FINANCIAL IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT the Deputy Chief Executive Officer "Status of Council Decisions" Report for the month of April 2017 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
17 March 2017 21 April 2017	9.2.4 9.2.2	COMMUNITY ASSISTANCE GRANTS MARCH 2017	MCW	Part of the Community Assistance Grants completed in April 2017 Council Meeting, another to be represented at May 2017 Council Meeting due to no quorum.	May 2017
21 April 2017	9.2.4	DRAFT 2017-2018 DIFFERENTIAL RATING MODEL	DCEO	Submissions close 25 <sup>th</sup> May 2017 and a report will be presented to Council at the May 2017 meeting as a late item.	May 2017

## 9.2.2 REVIEW OF MEMBER MEETING ATTENDANCE FEES 2017/18

<b>File Ref:</b>	<b>CLR-4-2</b>
<b>Attachments:</b>	<a href="#">LocalGovernme...l-2017---CEOs-and-Elected-Members.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 May 2017</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

### REPORT PURPOSE

To determine the amount to be provided for in the 2017/2018 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 per meeting, or annual basis and these are set annually by the Salaries and Allowances Tribunal (SAT). The Act also allows for the reimbursement of, or an allowance to, cover certain expenses incurred by council members.

Each Council is placed into a band to determine applicable fees. The Shire of East Pilbara falls into band two (2).

The value of attendance fees and allowances are stipulated by the SAT and from 1 July 2017 are as follows:

	For a council member other than the President			For a council member who holds the office of President		
Council meeting attendance fees per meeting – local governments	\$369	to	\$576	\$369	to	\$772
Committee meeting and prescribed meeting attendance fees – per meeting (including President)	\$184	to	\$288	\$184	to	\$288
Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting	\$14,718	to	\$23,000	\$14,718	to	\$30,841



attendance fees						
Annual allowance for a President				\$15,225	to	\$62,727
Annual allowance for a Deputy President	The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.					

In addition to the fees above, Council also endorsed a Telecommunications Allowance of \$1,000 be paid to all Councillors and \$2,000 be paid to the Shire President per annum, paid quarterly in arrears.

### **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, 2016/2017, provides for the payment of Meeting Fees quarterly in arrears of \$15,000 each annually for Councillors and \$29,000 annually for the President. In addition, an allowance of \$33,000 is paid (quarterly in arrears) to the Shire President, and \$8,250 to the Deputy President to recognise any out of pocket expenses which have been incurred in representing the Council.

Although historically Councillors have been paid under the "Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees" scenario there is the option to change to a pay by meeting scenario.

The current Council meeting and Allowance fees are currently within the Salaries and Allowances Tribunal parameters.

Council does have the option to raise Councillor meeting fees more than this. The fees and allowances payable were not raised last year.

### **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

**Salaries and Allowances Tribunal – Local Government Elected Members  
Review April 2016**

**POLICY IMPLICATIONS**

**1.11 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

**RISK MANAGEMENT CONSIDERATIONS**

That adequate resources will not be allowed for in the development of the budget for the 2017/2018 financial year.

**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**

**THAT Council**

- 1. Endorse the following annual allowances and meeting attendance fees for inclusion in the 2017/18 budget to be paid quarterly in arrears**
  - (a) Councillor's Meeting Fees \$150,000 (An Annual Fee of \$15,000 per Councillor)**
  - (b) President's Meeting Fees \$29,000**
- 2. A Telecommunications Allowance per annum to be paid quarterly in arrears of \$1,000 to all councillors and \$2,000 to the Shire President.**
- 3. A Presidential Allowance of \$33,000 per annum be paid quarterly in arrears**
- 4. A Deputy Presidential Allowance of \$8,250 per annum be paid quarterly in arrears**

### 9.2.3 BUDGET REALLOCATION

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

**Author:** Mr Warren Barker  
Coordinator Building Services

**Proposed Meeting Date:** 26 May 2017

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

For Council to endorse the transfer of money from the Marble Bar Security Fencing GL 129623 to CLGF Marble Bar Depot Toilet Block GL 129594.

### BACKGROUND

The Shire of East Pilbara awarded a contract to Ahrens in July 2015 for the demolition of the existing lunch room and ablution building at Marble Bar and Nullagine and then to supply and install a new lunch room and separate ablution blocks at Marble Bar and a lunch room and ablution combined building at Nullagine. The project was funded by CLGF funding.

The contract made provision for a retainer to be held by the Principal of 10% of the contract sum. Standard practice would be that the Principal would retain this money on the first invoice and then return 50% on practical completion and the remainder on completion of the defects period which took place in March 2016. On this occasion the contractor had actually short invoiced the Shire by \$42,999.00 GST inclusive to cover the retention monies themselves.

### COMMENTS/OPTIONS/DISCUSSIONS

The contractor has now submitted a final invoice for the retention money and there was no budget allocation for this amount in the current financial year. Therefore we need to journal monies from capital GL139210 to GL129623 to cover the monies outstanding.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 4 - General financial provisions) 6.8. Expenditure from municipal fund not included in annual budget (pg 214)

### POLICY IMPLICATIONS

### 3.4 BUDGET AMENDMENTS

**STRATEGIC COMMUNITY PLAN**

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

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

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

**RISK MANAGEMENT CONSIDERATIONS**

If Council does not allow the transfer of funds it will potentially be in breach of contract.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.  
GL129594 will be increased by \$39,090.00 and GL129623 will be decreased by \$39,090.00.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the reallocation of expenditure of \$39,090.00 from the Marble Bar Security Fencing GL 129623 capital account to CLGF Marble Bar Depot Toilet Block GL 129594.**

#### 9.2.4 ADOPTION OF PROPOSED FEES AND CHARGES 2017/18

File Ref:	FIN 12-1
Attachment:	Under separate cover
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Ben Lewis Manager Assets and Procurement
Proposed Meeting Date:	26 May 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

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#### REPORT PURPOSE

To seek Council endorsement of the proposed fees and charges to apply for the budget year 2017/18 as attached (under separate cover).

#### BACKGROUND

Section 6.16 of the *Local Government Act, 1995*, enables Council to apply fees and charges to the services it provides. The schedule, as tabled, proposes fees and charges for in-principal adoption only at this stage and will assist in the preparation of the 2017/18 budget. Formal adoption of the fees and charges will be included as part of the budget adoption process.

#### COMMENTS/OPTIONS/DISCUSSIONS

The schedule of fees and charges are under a separate cover.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Compliance with Section 6.16 of the *Local Government Act 1995*.

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC COMMUNITY PLAN

Nil

#### RISK MANAGEMENT CONSIDERATIONS

Should Council not adopt the fees and charges in principle, the new fees and charges will not be in effect from the 1<sup>st</sup> July, 2017.

#### FINANCIAL IMPLICATIONS

To be advised in the 2017/18 annual budget.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Approve the proposed schedule of fees and charges;**
- 2. Include fees and charges in Council's 2017/18 annual budget.**

## 9.2.5 AMENDMENT TO PROCUREMENT AND TENDER PROCEDURES POLICY

Attachments:	<a href="#">DRAFT Amended Procurement Policy 2017 - May 17.docx</a>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Dawn Brown Contract and Procurement Officer
Proposed Meeting Date:	26 May 2017
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

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### REPORT PURPOSE

For Council to approve an amendment to the Procurement and Tender Procedures Policy which is included within the SoEP Policy Manual.

### BACKGROUND

At the Ordinary Council meeting held on the 21<sup>st</sup> April, 2017, Council resolved (**Resolution 201617/171**) to adopt the new Procurement and Tender Procedures Policy which replaced the previous Purchasing Policy.

### COMMENTS/OPTIONS/DISCUSSIONS

The recently adopted Procurement and Tender Procedures Policy achieves the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* requirements, and will ensure that the Shire promotes transparent, equitable and competitive purchasing practices.

However, one further statement needs to be added to the document to ensure that all expenditure is spent as per the adopted budget.

The following statement will be added above the Threshold & Requirements Table at 6.5 of this Policy.

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

This additional statement is required to ensure that purchase orders raised, are raised both in accordance with the adopted budget and also with the requirements of the Policy. This statement was included in the previous Purchasing Policy but had been omitted in error in the updated Procurement and Tender Procedures Policy.



## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 2 – Constitution of local government (Division 2 – Local governments and councils of local governments) 2.7. Role of council (pg 15), 2.7 (2)(b): The Council is to determine the local government's policies.

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**

3.14 – Procurement 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

Responsible officer: DCEO

Timing: As appropriate

## **RISK MANAGEMENT CONSIDERATIONS**

Mitigate probity risk, by establishing consistent and demonstrated processes that promote openness, transparency, fairness and equity to all potential suppliers and will ensure that the Shire is compliant with relevant legislations, including the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* (as amended) and *State Records Act 2000* in relation to purchasing and tenders.

The additional statement being added to this Policy will also ensure that purchases are made as per the adopted budget.

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the amendment being made to the Procurement and Tender Procedures Policy being the addition of the following paragraph being inserted above the Threshold and Requirements Table at 6.4 of this Policy:

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

Range (excluding GST)	Requirements
\$0 - \$50	Under direction from the authorised Supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised Supervisor, a purchase order book will be utilised without verbal or written quotes necessarily being obtained.
\$5,001 - \$29,999	<p>A purchase order will be utilised following three written quotes being obtained.</p> <p>Staff must retain electronic evidence of the suppliers invited to supply a written quote. Each supplier must receive the same detailed description (<i>Specification</i>) of what goods/services are being requested.</p> <p>A completed SoEP Declaration of Quotes form must be completed and attached to the Requisition.</p> <p><i>[Three quotes must be sourced, including if using WALGA Preferred Supplier Panel, or a SoEP Local Panel]</i></p>
\$30,000 - \$149,999	<p>Obtain at least three written quotes from suppliers by formal invitation, by way of a Formal Request for Quotation Process which includes a detailed Scope of Works/Specification of Goods and Services required.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assess all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from the Shire's Local Preferred Supplier Panels; the WALGA Preferred Supply Programme or from the open market.</p> <p>A copy of the last page of the Recommendation Report – Endorsement by CEO to Award the RFQ to the recommended respondent must be attached to the Requisition/Purchase Order.</p> <p>Under direction from the authorised Supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical &amp; Development Services a purchase order will be utilised following the RFQ process.</p> <p><i>[Three quotes must be sourced, including if using WALGA Preferred Supplier Panel, or a SoEP Local Panel]</i></p>

\$150,000 & Greater	<p>Under direction from the authorised Supervisor, Tenders will be invited as follows.</p> <p>If work is allowed for in the budget, a Request to Invite Tenders form is to be submitted to the Chief Executive Officer for approval.</p> <p>If the work is not allowed for in the budget, permission to go to Tender must be obtained from Council.</p> <p>A copy of the Council Resolution to award the Tender to the successful Tenderer must be attached to the Requisition/Purchase Order.</p>
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**9.2.6 IRON PERSONS GYM INC LOCATED AT LOT 702, NORTH NEWMAN  
RESERVE - AGREEMENT OPTION TERM**

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

**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services

**Proposed Meeting Date:** 26 May 2017

**Location/Address:** North Newman Reserve - Lot 702

**Name of Applicant:** Iron Persons Gym Inc

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to enter into the Option Term of the Lease agreement between the Iron Persons Gym Inc and the Shire of East Pilbara for portion of Lot 702, previously Lot 2279 located at North Newman Reserve, Newman.

**BACKGROUND**

The Shire of East Pilbara records indicate the Iron Persons Gym Agreement expires on the 15<sup>th</sup> May 2017 and the lessee has formally requested to take the 10 year option term.

Council at its Ordinary meeting on 27 April 2007 resolved to enter into the lease agreement with the Iron Persons Gym Inc. However, the original agenda item outlined the lease term as 10 years with no option period.

When the lease document was prepared, and subsequently signed, the lease term was 10 years with a 10 year option.

**COMMENTS/OPTIONS/DISCUSSIONS**

The club has maintained the property in a clean and tidy manner throughout the original term of the agreement and would continue to do so during the option term. The Iron Persons Gym has occupied the premises at North Newman Reserve since 2007 and has met the provisions of the lease 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** S 5.42 Local Government Act 1995

**Power/Duty/Authorisation Delegated:**

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

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

**Authority for exercise of Power/ Duty/ Authorisation**

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

**Date of Delegation** \_\_\_\_\_

**Delegator (Shire President)** \_\_\_\_\_

**EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27th June 2003**

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

**Objective**

To allow for the proper execution of documents.

**Policy**

Council's Policy Manual 27 June 2004 on page 78

**Execution of Documents**

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

**STRATEGIC COMMUNITY PLAN**

**Goal 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.

2.1.1 Promote safe and healthy communities

Partnering With: NGO's, State Government

Responsible officer: MCW

Timing: 1-3 years

- 2.1.2 Encourage active lifestyles  
Partnering With: State Government, Industry  
Responsible officer: MCW  
Timing: 1-3 years
- 2.1.3 Encourage high rates of participation in community activities and events  
Partnering With: Industry  
Responsible officer: MCW  
Timing: 1 year

### **RISK MANAGEMENT CONSIDERATIONS**

If the Iron Persons Gym Option Term agreement is approved it would reduce the following risk management issues

- The facility would be occupied and utilised
- The facility is maintained in a clean and tidy manner
- The club is looking at upgrade of facilities, to increase lifecycle of the facility

If the Iron Persons Gym Option Term is not accepted the following management of the facility will be required;

- The facility would require regular inspections
- Could be subjected to vandalism and graffiti
- Maintenance of the facility will need to be undertaken by the Shire

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Absolute.

### **OFFICER'S RECOMMENDATION**

**THAT Council approves the Option Term for the lease agreement between the Shire of East Pilbara and the Iron Persons Gym Inc for portion of the land at North Newman Reserve (R41654), previously Lot 2279, and now Lot 702. The Option Term being for 10 years expiring on 15<sup>th</sup> May 2027.**

**9.2.7 NEWMAN HOUSE LEASE – AGREEMENT WITH NEMMS JV PTY LTD FOR OFFICE ACCOMMODATION.**

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

**Author:** Mrs Marisa Wolfenden  
Coordinator Property Services

**Proposed Meeting Date:** 26 May 2017

**Location/Address:** Lot 500, No 15 Iron Ore Parade, Newman

**Name of Applicant:** NEMMS JV Pty Ltd

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to enter into a lease agreement between the Shire of East Pilbara and NEMMS JV PTY LTD for office accommodation at Newman House, located at Lot 500, 15 Iron Ore Parade, Newman for a term of 1 year commencing the 1<sup>st</sup> June 2017 to 31<sup>st</sup> May 2018.

Approval to apply the common seal of the Shire of East Pilbara to the new lease agreement between the Shire of East Pilbara and NEMMS JV Pty Ltd for office accommodation at Newman House.

**BACKGROUND**

An application from NEMMS JV Pty Ltd was received by the Shire of East Pilbara on the 2<sup>nd</sup> March 2017 seeking office accommodation at Newman House.

The Joint Venture business was formed in 2013 by Nyiyaparli Engineering and Mine Maintenance Services (NEMMS) and Iron Mine Services (IMS). NEMMS JV provides a full suite of Mining Services to the Pilbara based resource clients including Roy Hill, Rio Tinto and FMG.

Newman House facility is primarily use is for not for profit organisations, but the Access Eligibility and Space Allocation criteria is as follows;

***Eligible Tenants***

*The Shire of East Pilbara commits itself to the principal goal of providing office accommodation to Not for Profit organisations, and such organisations shall be given preference over all other organisations.*

*Space allocations shall be made by the Shire of East Pilbara on the basis of first priority to be given to all NFP organisations. Should there be more NFP organisations seeking tenancy that the available spaces, then the SoEP shall have the discretion to select such tenants which it believes would be in the best interests of the people of the Newman community, and taking into account the circumstances of the prospective tenant's current accommodation issues.*

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*Other organisations shall be offered tenancy agreements of not more than a 12 month period. Such agreements can then be extended only if there are insufficient NFP organisations proposing to take up tenancy in the building.*

## **COMMENTS/OPTIONS/DISCUSSIONS**

Newman House occupancy currently stands at 65%. To date there has been limited interest leasing office space. The Department of Housing have made initial enquiries but are yet to progress further.

Should Council make the decision to agree to the proposal, the current occupancy will only increase 6%, leaving 29% of office space vacant for future interested agencies.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

**Delegation From:** Council

**Delegation To:** Chief Executive Officer

**Council File Reference:** ADM 14-9

**Legislative Authority for Delegation** S 5.42 Local Government Act 1995

### **Power/Duty/Authorisation Delegated:**

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

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

### **Authority for exercise of Power/ Duty/ Authorisation**

### **Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

**Date of Delegation** \_\_\_\_\_

**Delegator (Shire President)** \_\_\_\_\_

## **EXECUTION OF DOCUMENTS**

**Minute No:** Item 9.1.3

**Date:** 27th June 2003

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

### **Objective**

To allow for the proper execution of documents.



**Policy**

Council's Policy Manual 27 June 2004 on page 78

**Execution of Documents**

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

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

**3.1 Business diversification and promotion**

**3.1.1 Provide support for established and emerging business bodies and local businesses**  
Partnering With: State Government, Industry, NCCI, other relevant stake holders  
Responsible officer: DCEO  
Timing: 1-5 years

**3.1.2 Build a thriving and diverse economy**  
Partnering With: State Government, Industry, NCCI, other relevant stake holders  
Responsible officer: DCEO  
Timing: 1-5 years

**RISK MANAGEMENT CONSIDERATIONS**

If Newman House continues to have limited occupancy the financial burden will increase for Council.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council,**

- 1. Approves entering into a lease agreement with NEMMS JV PTY LTD for office accommodation at Newman House for 1 year, no option term commencing 1<sup>st</sup> June 2017 to 31<sup>st</sup> May 2018**
- 2. Approves affixing the Shire of East Pilbara common seal to the lease agreement between the Shire of East Pilbara and NEMMS JV PTY LTD for office accommodation at Newman House for 1 year.**

**9.2.8 COMMUNITY ASSISTANCE GRANTS MAY 2017**

<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Pip Parsonson Manager Community Wellbeing</b>
<b>Proposed Meeting Date:</b>	<b>26 May 2017</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

For Council to consider and make a decision on the remaining Community Assistance Grant funding application for Round 2 of the 2016/2017 financial year.

**BACKGROUND**

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

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

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

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

Due to a lack of quorum at the April Council meeting while the Community Assistance Grant application from Newman Vets Football Club was being considered, the matter was held over to the May Council meeting. The application is presented in this agenda item.

**COMMENTS/OPTIONS/DISCUSSIONS**

In Round 2 of the 2016/2017 financial year, the Shire received four (4) applications from charities and sporting clubs based in the East Pilbara. All four (4) applications met the Shire's Community Assistance Grants eligibility criteria.

Three of those four applications were considered with determinations at the April Council meeting. This application is the sole outstanding item.

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The grant application details from this applicant is as follows:

Applicant Organisation	Met Criteria (Yes/No)	Amount Sought	Comment/Description
Newman Vets Football Club	Yes	\$6,000.00	Cash and in-kind contributions towards the 2017 Newman Vets Celebrity Match costs.

A summary of the application follows.

<b>Name of organisation</b>	Newman Vets Football Club				
<b>Activity the organisation is seeking funding for</b>	Newman Vets Celebrity Match				
<b>Funding Details</b>	<b>Amount Requested</b>			<b>Total Budget</b>	
	\$ 6,000.00			\$ 54,308.00	
<b>Type of fund request</b>	In kind	<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	
<b>Funding sought from other organisations</b>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
<b>If other funding is sought, amount funded from other organisation</b>	\$ 22,500				
<b>Previous funding from Shire of East Pilbara</b>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
<b>If yes, amount received and funded years</b>	13/06/2016 - \$408.50				
<b>Funds Acquitted</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	Comments: N/A
<b>Outstanding Shire Debts</b>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Comments:
<b>Does Application meet funding criteria?</b>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Comments:
<input checked="" type="checkbox"/>	<b>Not for profit community organisations providing a community service within the East Pilbara region where there is a demonstrated community need or benefit</b>				
<input type="checkbox"/>	<b>Educational institutions in the East Pilbara for award presentations only</b>				
<input checked="" type="checkbox"/>	<b>Sporting Associations to assist with club development (e.g. coaching courses, governance training and or grant writing courses).</b>				
<input type="checkbox"/>	<b>Organisations involved in cultural development within the Shire of East Pilbara</b>				

<b>Description and purpose of grant</b>	<p>The funding will contribute to the delivery of the 9<sup>th</sup> annual Newman Vets Celebrity Match. The club partners with Newman National Football League, Newman Junior Football Council and V Swans Football Club and is a fundraising event for local charities and not for profit organisations.</p> <p>The event involves bringing role models from Perth to be a part of all the weekend's activities, including mentoring sessions, coaching clinics, healthy lifestyle sessions, autograph sessions, community engagement opportunities, skills and qualification sessions, as well as the junior and senior football games.</p> <p>The 3 local schools and local businesses will be engaged to deliver a weekend of physical and social engagement activities. Schools will have the opportunity to enter a budding artist competition, with the winning design being included on the players' Guernsey.</p>
<b>Target group of project outcome</b>	Approximately 2,000 community members – including participants, students, committee members and spectators.
<b>Benefit to East Pilbara Community</b>	The community will benefit from attending the free and inclusive event; local charities and not for profit organisations will receive fundraising; local school and businesses will be engaged and included in the event planning and delivery.
<b>Acknowledgement of SOEP</b>	SoEP logo will feature on all attire (including playing guernsey), multimedia, and pamphlets. Also, verbal acknowledgment will be made on the day.

The overall Community Assistance Grant budget for 2016/17 is \$60,000. Approximately \$11,000 of the total amount needs to be set aside for the smaller Grant 1 and Grant 2 programs that are open year-round and approved by the CEO. The balance of \$49,000 then needs to be halved, to accommodate the two Grant 3 rounds approved by the full Council. This means there is approximately \$25,000 for each of the two rounds.

The successful grants endorsed at the April Council meeting, (for Newman Gymkhana and Polocrosse Club and Empowering People in Communities), totalled \$10,452.80. If endorsed by the Council, the recommended grant of \$6,000 to the Newman Vets Football Club will mean that the total amount approved for Round 2 of the 2016/17 financial year will be \$16,452.80 falling comfortably within the allocated budget for Community Assistance Grants.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

### 6.6 COMMUNITY ASSISTANCE GRANTS

## **STRATEGIC COMMUNITY PLAN**

## **RISK MANAGEMENT CONSIDERATIONS**

### **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.

- 2.4.1 Promote diverse, harmonious and caring communities  
Responsible officer: MCW  
Timing: 1-3 years
- 2.4.2 Build strong community groups, networks and governance  
Responsible officer: MCW  
Timing: 1-5 years
- 2.4.4 Equity and opportunities for all  
Responsible officer: MCW  
Timing: 1-3 years

**RISK MANAGEMENT CONSIDERATIONS**

Should the Council choose not to endorse the Community Assistance Grant application, Council may be subject to some reputational risk within the Community.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council approve the Community Assistance Grant for the Newman Vets Football Club for cash and in kind contribution of \$6,000 for the 2017 Newman Vets Celebrity Match costs.**

**9.2.9 SEEKING COUNCILLOR REPRESENTATION ON NEWMAN YOUTH AND FAMILY HUB STEERING COMMITTEE**

**Attachments:** [Newman Youth and Family Hub - Terms of Reference May 2017.docx](#)

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

**Author:** Mr Pip Parsonson  
Manager Community Wellbeing

**Proposed Meeting Date:** 26 May 2017

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Councillor representation on the Newman Youth and Family Hub Steering Committee.

**BACKGROUND**

In February 2017 Council endorsed a statement committing itself to building the Newman Youth and Family Hub, (Item 9.2.5, Resolution 201617/125)

Previously, in December 2014 Council endorsed the findings of The Way Forward – Improving Youth, Family and Children’s Services in Newman (Item 9.2.17, Resolution 201516/128) and supported the development of a business plan (including feasibility assessments) for the development of Family, Children and Youth Infrastructure in the East Pilbara (Item 9.2.18, Resolution 201516/129).

In January 2016 Council endorsed the Concept Plan which had been prepared for the Newman Family and Youth Services Hub and also endorsed the recommendation that Shire Officers pursue the required funding associated with the development of the Newman Family and Youth Services Hub. (Item 11.1.1, Resolution 201617/149).

And in October 2016 Council endorsed the recommendation concerning the awarding of Tender 10-2015/16 to JCY Architects and Urban Designers for the provision of architectural services only, up to a value of \$279,000 (Item 11.2.1, Resolution 201617/79).

**COMMENTS/OPTIONS/DISCUSSIONS**

A Business Case for the development of the Hub was created in 2016 for the purposes of a Royalty for Regions funding application for \$4 million. The Business Case was submitted as part of a Pilbara Development Commission Cabinet Submission, ‘Pilbara Place Making Framework’ in late 2016. A component of the Business Case on Project Governance is quoted below.

***“Project Steering Committee (Terms of Reference Attached)”***

The Project Steering Committee will meet monthly, as per the *Terms of Reference* (Appendix 7) and their Responsibilities will include:

- Ensuring the proper checks and balances (financial and professional) are in place and functioning
- Resolving issues escalated by the project team
- Making decisions requested by the project team in a timely manner
- Verifying the achievement of deliverable and milestones
- Authorising changes to the schedule baseline and / or cost budget
- Supporting the project manager
- Authorising the project team to make decision
- Ensuring that the project delivers the required outcomes and benefits
- Reviewing and approving quality and risk advisory reports as appropriate”

Terms of Reference for the Steering Committee have been developed and are attached to this agenda item. Given the scale of the project and its impact on Shire finances and relationships with funding bodies the Terms of Reference make provision for the inclusion of a Shire Councillor on the Committee.

This is a steering committee with no delegated powers.

**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

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



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

**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**

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

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

**RISK MANAGEMENT CONSIDERATIONS**

There may be some minor reputational risk to the Shire if it appeared that elected members were reluctant to play a direct role in major infrastructure development within the Shire.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council nomination Cr \_\_\_\_\_ to sit on the Newman Youth and Family Hub Steering Committee.**

### 9.2.10 SWIMMING POOL MAINTENANCE WORKS

**File Ref:** REC-21-1  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Simmone Van Buerle  
Manager Recreation & Events  
**Proposed Meeting Date:** 26 May 2017  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To seek Council approval to reallocate expenditure within the 16/17 financial year to allow for necessary swimming pool maintenance works.

### BACKGROUND

The Newman Aquatic Centre facility includes a six lane Olympic sized (50m) pool and toddler's pool. The liner of the 50 m pool was installed 17 years ago and the pool has not been drained since that time. Very little capital work has been done on the 50 m pool since its construction and there is the need for significant upgrades including the replacement of the pool liner and repairs to the pool deck.

### COMMENTS/OPTIONS/DISCUSSIONS

Due to the age of the pool liner, and the exposure to sunlight, there has been significant fading and deterioration. As the liner fades, the plasticizers deteriorate which cause the liner to become brittle and then resultant tears and cracks appear. The extent of the damage and the brittleness of the liner will make a lasting repair unlikely.

Replacement of the liner requires the pool to be drained of water. This was unable to be done during the summer months. The climate in summer leads to a high demand for the swimming pool and it is essential that maintenance of this asset is undertaken at other times to ensure participation in water activities is available to the public. The remoteness of the town, and the relatively limited range of social and entertainment opportunities makes Newman Aquatic Centre an important and prominent social outlet for the community.

Undertaking the work in late June/July will cause the least disruption to the community, but it occurs during budget deliberations when spending is usually suspended.

## STATUTORY IMPLICATIONS/REQUIREMENTS

### *Part 6 - Financial management (Division 4 - General financial provisions)*

#### 6.8. *Expenditure from municipal fund not included in annual budget*

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

*\* Absolute majority required.*

## POLICY IMPLICATIONS

N/A

## 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.

## RISK MANAGEMENT CONSIDERATIONS

That the pool will become unserviceable during peak usage months and therefore causing Council loss of reputation.

## FINANCIAL IMPLICATIONS

Currently the scope for the EPAC toilets and storage project has not been completed. It is therefore recommended that this allocation of funds be reallocated to the Newman Swimming Pool Upgrade.

## VOTING REQUIREMENTS

Absolute

## OFFICER'S RECOMMENDATION

**THAT Council approves the reallocation of expenditure of \$250,000 from the EPAC toilets and storage project 119019 to the Newman Swimming Pool Upgrade.**

**9.2.11 SUNDRY DEBTORS WRITE OFF**

**File Ref:** FIN-10-2  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Isabella Kloppers  
Revenue Finance Officer  
**Proposed Meeting Date:** 26 May 2017  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

To seek Council approval to write off uncollectable debt to the value of \$3,300.40.

**BACKGROUND**

In the past year, the Shire had a few debtors that went into liquidation. Unfortunately, the invoices have to be written off. There are also two debtors that had been previously sent to our debt collection agency, Austral Mercantile. Although some debt has been recovered, in the end the fees outweighed the outstanding invoices and the process was stopped.

**COMMENTS/OPTIONS/DISCUSSIONS**

Despite attempts over a long period to recover the following debts, all attempts have been unsuccessful. Please see below table:

Debtor	Debtor no	Date of invoice	Invoice/s	Total	Description	Action
East Pilbara Panel Services	413	Sept 2016	70985	\$254.00	Sept 2016 tip fees	Liquidated
Tribute Group	1632	Aug 2016	70693	\$30.00	Tip fees for Aug 2016	Liquidated
Kalgans Rest	1317	Aug to Oct 2016	Various	\$60.00	Tip fees for Aug, Sept Oct 2016	Liquidated
Whaleback Village Diner	2898	July and Sept 2016	Various	\$866.00	Food Surveillance Fee 2016/2017 and Sept 2016 tip fees	Liquidated
Top End Diner Kalgans Rest	3059	July 2016	70290	\$500.00	Food Surveillance Fee 2016/2017	Liquidated
Michael Giles	3148	Various	Various	\$808.90	Vacate clean & debt collection fees	Write off
Newman Bakery	2807	Various	Various	\$781.50	Food Surveillance fee and debt collection fees	Write off
				<b>\$3,300.40</b>		

## STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

*\* Absolute majority required.*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Reduction in Sundry Debtors totalling \$3,300.40. An amount of \$20,000 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

## VOTING REQUIREMENTS

Absolute.

## OFFICER'S RECOMMENDATION

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

Debtor	Debtor no	Date of invoice	Invoice/s	Total
East Pilbara Panel Services	413	Sept 2016	70985	\$254.00
Tribute Group	1632	Aug 2016	70693	\$30.00
Kalgans Rest	1317	Aug to Oct 2016	Various	\$60.00
Whaleback Village Diner	2898	July and Sept 2016	Various	\$866.00
Top End Diner Kalgans Rest	3059	July 2016	70290	\$500.00
Michael Giles	3148	Various	Various	\$808.90
Newman Bakery	2807	Various	Various	\$781.50
				<b>\$3,300.40</b>

**9.2.12 MONTHLY FINANCIAL REPORT - MARCH 2017**

<b>Attachments:</b>	<a href="#">March 2017.pdf</a> <a href="#">March 2017 Variance Report.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Noelene Holmes</b> <b>Coordinator Financial Services</b>
<b>Proposed Meeting Date:</b>	<b>26 May 2017</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

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

**BACKGROUND**

The attached 14-page report details the financial activities of the Council for the period 1st March 2017 to 31st March 2017 of the 2016/2017 financial year –

There are 4 sections of the monthly report:

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

**COMMENTS/OPTIONS/DISCUSSIONS**

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

Reportable variations in accordance with accounting policies are as follows:

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

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*“The financial report is to –*

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

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

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

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

## **POLICY IMPLICATIONS**

### **3.1 ACCOUNTING POLICIES**

#### **STRATEGIC COMMUNITY PLAN**

Nil

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

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

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate
  - 1.1.2 Continued strong financial management  
Responsible officer: DCEO  
Timing: 1 year
  - 1.1.3 Effective business management  
Responsible officer: DCEO  
Timing: 1-3 years

## **RISK MANAGEMENT CONSIDERATIONS**

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

## **FINANCIAL IMPLICATIONS**

This report discloses financial activities for the period under review.

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**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**That the monthly financial statements for the period 1st March 2017 to 31st March 2017 of the 2016/2017 financial year as presented be received.**



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**9.2.13 CREDITORS FOR PAYMENT**

**File Ref:** FIN10-2

**Attachments:** [Schedule of Accounts Chq 1.pdf](#)  
[Schedule of Accounts EFT 1.pdf](#)  
[Schedule of Accounts Manual Cheque 1.pdf](#)

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

**Author:** Ms Memory Mandaza  
Expenditure Finance Officer

**Proposed Meeting Date:** 26 May 2017

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council endorsement of payment to creditors.

**BACKGROUND**

As per the attachment list, outlines payments made to creditors since the Council meeting on the 21 APRIL 2017.

**COMMENTS/OPTIONS/DISCUSSIONS**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT #37713 - #38053	1,613,864.85
	<b>Total</b>	<b>\$1,613,864.85</b>
Cheque Payments	CHQ#24274 - #24288	9,190.12
Manual Cheques	CHQ#304 - #305	1,561.60
	<b>Total</b>	<b>10,751.72</b>
	<b>GRAND TOTAL</b>	<b><u>1,624,616.57</u></b>

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

**CANCELLED AND UNUSED CHEQUES:**

UNUSED CHEQUES  
CHQ#24278

CANCELLED CHEQUES & EFTS

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

Reg 11

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

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

Reg 12

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC COMMUNITY PLAN**

Nil.

**RISK MANAGEMENT CONSIDERATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Total expenses of \$1,624,616.57

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT #37713 - #38053	1,613,864.85
	<b>Total</b>	<b>\$1,613,864.85</b>
Cheque Payments	CHQ#24274 - #24288	9,190.12
Manual Cheques	CHQ#304 - #305	1,561.60
	<b>Total</b>	<b>10,751.72</b>
	<b>GRAND TOTAL</b>	<b><u>1,624,616.57</u></b>

**9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES**

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF  
COUNCIL DECISIONS - APRIL 2017**

**File Ref:** CLR-4-5  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Proposed Meeting Date:** 26 May 2017  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

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

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

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

**POLICY IMPLICATIONS**

Nil

## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

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

#### 1.1 Efficient and effective local government

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

## RISK MANAGEMENT CONSIDERATIONS

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

## FINANCIAL IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple.

## OFFICER'S RECOMMENDATION

**THAT the Director Technical and Development Services "Status of Council Decisions" Report for the month of April 2017 be received.**

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS	MDS-P	<i>Refer to Information Bulletin</i>	<i>In Progress</i>
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter	MDS-P	<i>Refer to Information Bulletin</i>	<i>In Progress</i>
28th October 2016	13.7	GARDEN BED NEWMAN DRIVE Cr Lynne Craigie said the garden beds on Newman Drive, next to the Chicken Treat Van needs attention.	DTDS	Design and costings to be reviewed. Will discuss options with BHP to partner on costings and works	May 2017
9 December 2016	13.5	SIGNAGE REGARDING NEWMAN TOWN Cr Lynne Craigie asked if it is possible for signs to be erected on Great Northern Highway to advise of what services are available in Newman.	MDS-P	Communication has been had with NCCI regarding this matter. We are waiting on feedback from the NCCI on next steps. To be followed up when new Manager Development Services - Planning starts 22/05/17	June 2017

**9.3.2 AFFIXING OF THE COMMON SEAL TO THE MEMORANDUM OF UNDERSTANDING – ALL PILBARA LOCAL GOVERNMENTS & SHIRE OF EAST PILBARA**

**File Ref:** RNG-10-1

**Attachments:** [Pilbara Local Governments MOU - Emergency Services.pdf](#)

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

**Author:** Mr Brent Stein  
Coordinator Ranger & Emergency Services

**Proposed Meeting Date:** 26 May 2017

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to enter into a Memorandum of Understanding with the all Pilbara Local Governments and affix the common seal of the Shire of East Pilbara to the Memorandum of Understanding in relation to Bushfire and Tropical Cyclone recovery.

**BACKGROUND**

On the 20<sup>th</sup> December 2016, the Shire of Ashburton requested that the Shire of East Pilbara, Shire of Exmouth, Town of Port Hedland and City of Karratha all sign a memorandum of understanding in relation to all of the above mentioned Local Governments cooperating in a disaster event that may affect one or more of the partnering Local Governments.

The guiding principle of this memorandum of understanding is that any support given to a Local Government in a particular emergency event shall be voluntary and of a level that will not unduly compromise the operability of the Local Government providing the support.

The memorandum of understanding will formalise the “Hand Shake Agreement” in relation to mutual aid that has been an acceptable practice in the past.

**COMMENTS/OPTIONS/DISCUSSIONS**

The approved MOU between the Shire of East Pilbara and the above mentioned Local Governments is for the Shire of East Pilbara to provide whatever resources may reasonably be available within its capacity to respond to an emergency incident in another district if requested. The same assistance would be expected from the above mentioned Local Governments if and when the Shire of East Pilbara required assistance. The following conditions would need to be acknowledged upon signing the memorandum of understanding;

- The parties acknowledge that the provisions of this document are not intended to create binding legal obligations between them.
- The parties acknowledge that nothing in this document authorises a party to incur costs or expenses on behalf of the other party and;
- A Party has no authority to act for, or to create or assume any responsibility, obligation or liability on behalf of the other party.
- Unless mutually extended, terminated or parties withdraw, this MOU will expire on 1<sup>st</sup> January 2020.

#### Partnering Expectations

- Where possible, provide both physical and human resources to assist with the immediate response and recovery.
- Where possible, and if appropriate, the affected Local Government must utilise internal resources and contractors before requesting assistance from another Local Government.
- All requests for support will be made through the incident controller of the designated Hazard Management Agency for the incident, in consultation with the designated Local Recovery Coordinator and the Local Emergency Coordinator.
- All equipment provided must be covered by the partnering Local Governments own insurance. Each Local Government is responsible for ensuring insurance policies allow for the provision of mutual aid.
- Each Local Government will be responsible for continued salary and any workers compensation claims for their own employees regardless of where they are operating during the disaster event.
- Each Local Government will be responsible for any loss, damage or cost associated with the provision of the support unless otherwise agreed in writing.
- The Local Government requesting support will be responsible for all incidental costs associated with the providers personnel and equipment such as catering, OSH issues, transport, fuel and storage.

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

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **STRATEGIC COMMUNITY PLAN**

##### **Goal – Emergency Management – Protect infrastructure and life**

The Shire of East Pilbara seeks to assist, communicate and cooperate with all Pilbara Local Governments in an emergency situation. In doing so, the Shire of East Pilbara may also request assistance from these Local Governments in an emergency if required.

#### **RISK MANAGEMENT CONSIDERATIONS**

All Local Governments will be responsible for their own Employee's Risk Management.

### **FINANCIAL IMPLICATIONS**

The Western Australian National Disaster Relief & Recovery Arrangement (WANDRRA) guidelines provide for the reimbursement of expenditure incurred by Local Governments during a disaster. Each Local Government is responsible for maintaining an accurate record of expenditure during an event.

In the event that the emergency is declared a disaster, State and Commonwealth funding assistance will be sought in compliance with relevant State and Commonwealth policies. The affected Local Government will claim the relevant costs in accordance with WANDRRA guidelines.

In the event that a Local Government's resources and/or equipment are required to assist another Local Government for an incident not deemed to be a declared disaster, the costs are unable to be claimed via WANDRRA. In this situation, any intended claim for reimbursement is a matter between the relevant Local Governments.

### **VOTING REQUIREMENTS**

Simple

### **OFFICER'S RECOMMENDATION**

**THAT Council**

- 1. Approve entering into the Memorandum of Understanding with all specified Pilbara Local Governments. Commencement will occur when all specified Local Governments have signed.**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Memorandum of Understanding between all specified Pilbara Local Governments and the Shire of East Pilbara.**



**9.3.3 NOTING THE USE OF DELEGATION TO CHIEF EXECUTIVE OFFICER TO  
AWARD TENDER RFT 14-2016/2017**

**File Ref:** LEG 13-6  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Bhavesh Modi  
Manager Technical Services - Newman  
**Proposed Meeting Date:** 26 May 2017  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

**REPORT PURPOSE**

For Council to note the use of delegated authority to the CEO to award a tender.

**BACKGROUND**

At the Ordinary Council Meeting held 21 April 2017, Council resolved:

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201617/178**

***MOVED: Cr Dean Hatwell***

***SECONDED: Cr Michael Kitchin***

***THAT Council***

- 1. Delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tender for the period up to the 26 May 2017, up to the total budget detailed in Table 1.***

<b><i>Tender No.</i></b>	<b><i>Description</i></b>	<b><i>Fund Source</i></b>	<b><i>Expected Account Expenditure</i></b>	<b><i>Total Budget (ex GST)</i></b>
<b><i>RFT 14-2016/17</i></b>	<b><i>Fix failed pavement sections and install asphalt carpet in various streets developed under East Newman Stage 1A development and in Ethel Creek St, Burrows St and Mindarra Dr.</i></b>	<b><i>Landcorp + R2R</i></b>	<b><i>GL129615 \$390k + GL129616 \$40K + GL129617 \$40K + GL129618 \$40K + GL129610 \$200k</i></b>	<b><i>\$710,000</i></b>

- 2. Approve the Common Seal to be affixed under delegated authority to CEO for the contracts between the Shire of East Pilbara and the successful tenderers.***

***CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0***

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

## **COMMENTS/OPTIONS/DISCUSSIONS**

To maintain transparency and due process Council is advised of the use and application of delegated Authority to the CEO to award a tender as authorised. After reviewing the Recommendation Report the delegated authority was used by the Chief Executive Officer on the 8 May 2017 to award tender RFT 14-2016/17 Asphalt Works Newman to Manning Pavement Services Pty Ltd t/a Karratha Asphalt at the tendered price of \$536,205 (ex gst).

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

Part 5 - Administration (Division 4 – Local government employees) 5.42.

Delegation of some powers and duties to CEO (pg 153)

- 1) A local government may delegate (absolute majority required) to the CEO the exercise of any of its powers or the discharge of any of its duties under –  
(a) this act other than those referred in section 5.43; or
- 2) A delegation under this section is to be in writing and may be general or otherwise provided in the instrument of delegation

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

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

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

## **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
  - 1.1.2 Continued strong financial management
  - 1.1.3 Effective business management

### **Goal 3 – Economic – Planned Actions**

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

- 3.1 Business diversification and promotion
  - 3.1.2 Build a thriving and diverse economy  
Partnering With: State Government, Industry, NCCI, other relevant stake holders

**Goal 4 – Environmental – Planned Actions**

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

4.2 Promote a sustainable environment

4.2.1 Cultivate clean green towns

**RISK MANAGEMENT CONSIDERATIONS**

Nil risk associated with Council noting the use of approved delegations.

**FINANCIAL IMPLICATIONS**

No Financial Resource Impact

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council note the use of delegated authority by the CEO to award tender RFT 14-2016/17 Asphalt Works Newman to Manning Pavement Services Pty Ltd t/a Karratha Asphalt at the tendered price of \$536,205 (ex GST).**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A  
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**  
30 June 2017, Nullagine
- 15 CLOSURE**