



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, Nullagine,
10.00 AM, FRIDAY, 27 JUNE, 2014.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin OAM
Cr Kevin Danks
Cr Stephen Kiernan
Cr Bidy Schill
Cr Dean Hatwell
Cr Gerry Parsons
Cr Doug Stead
Cr Craig Hoyer
Cr Shane Carter
Cr Anita Grace

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Ms Sheryl Pobrica

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

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Nil

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 May 23 2014 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 23 May 2014, 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 - MAY 2014

File Ref: CLR-4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms 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 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

THAT the “Status of Council Decisions” – Chief Executive Officer for May 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
31 January 2014	9.1.8	EXTENSION OF LEASE KURRA VILLAGE	CEO		On Going

9.1.2 ELECTION OF COUNCIL MEMBERS ON COMMITTEES

File Ref: LEG-2-1
Responsible Officer: Mr Allen Cooper
 Chief Executive Officer
Author: Ms Sue Mearns
 Coordinator Governance
Location/Address: A700710
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To elect a Council representative on the Newman Turf Club Committee, and to include the Newman Turf Club Committee in the Shire's list of local Committees

BACKGROUND

Council has been requested by the Newman Turf Committee to allocate a Council representative to attend meetings.

The Newman Race Track is located on a reserve vested in Council, and the Newman Turf Club have a lease to manage the race course.

Councillors are elected to represent the Shire on East Pilbara on various committees as per the following listings. Councillors are required to approve deletion from the following list of committees that no longer exist, as well as inclusion of new committees.

Following is a list of current committees, the nominated Councillors representative and proxies as at Ordinary Council Meeting held 25 October 2013.

Committee	Councillor	Proxy
Newman House – Building Management Committee	Cr Lynne Craigie	Cr Doug Stead
Pilbara Regional Road Group	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Pilbara Regional Council (2 reps)	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Newman Mainstreet Project Inc	Cr Doug Stead	Cr Anita Grace
Local Recovery Committee	Cr Lynne Craigie	Cr Lang Coppin
LEMC - Newman	Cr Craig Hoyer	Cr Lynne Craigie
LEMC – Marble Bar	Cr Dean Hatwell	Cr Stephen Kiernan

LEMC – Nullagine	Cr Bidy Schill	Cr Stephen Kiernan
Audit Committee	Cr Shane Carter Cr Anita Grace Cr Doug Stead Cr Gerry Parsons	
*East Pilbara Land Conservation District Committee	Cr Lang Coppin	N/A
*Recognised Biosecurity Group (RBG)	Cr Lang Coppin	N/A
Bush Fire Advisory Committee	Cr Craig Hoya	Cr Doug Stead
*De Grey Land Conservation District Committee	Cr Lang Coppin	N/A
Marble Bar Tourist Association	Cr Kevin Danks Cr Dean Hatwell	Cr Stephen Kiernan
Marble Bar FESA Unit	Cr Dean Hatwell	Cr Stephen Kiernan
Newman Chambers of Commerce	Cr Gerry Parsons	Cr Lynne Craigie
East Pilbara Independence Support (EPIS)	Cr Doug Stead	Cr Lynne Craigie
Newman Recreation Centre Management Committee	Cr Gerry Parsons	Cr Anita Grace
Newman Visitors Centre Management Committee	Cr Shane Carter	Cr Gerry Parsons
Nullagine Volunteer Bush Fire Brigade	Cr Bidy Schill	Cr Stephen Kiernan
Newman Neighbourhood Centre	Cr Gerry Parsons	Cr Lynne Craigie
Nullagine Community Resource Centre	Cr Bidy Schill	Cr Stephen Kiernan
Pilbara Prospectors Associations	Cr Kevin Danks	Cr Stephen Kiernan
Marble Bar Community Resource Centre	Cr Stephen Kiernan	Cr Dean Hatwell
Newman Liquor Accord	Cr Anita Grace	Cr Gerry Parsons
Newman Women's Shelter	Cr Anita Grace	Cr Lynne Craigie
*Development Assessment Panel (DAP) x 4	Cr Lynne Craigie Cr Dean Hatwell Cr Doug Stead Cr Craig Hoyer	Expires 26 th April 2014

**Ministerial Appointments*

COMMENTS/OPTIONS/DISCUSSIONS

To maintain open lines of communication, it is considered that Councillors should nominate as a delegate for a committee or committees.

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

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council nominate Cr _____ as the representative and Cr _____ as Proxy to the Newman Turf Club Committee, and endorse the inclusion of the Newman Turf Club Committee in the Shire’s list of local Committees.

Committee	Councillor	Proxy
Newman House – Building Management Committee	Cr Lynne Craigie	Cr Doug Stead
Pilbara Regional Road Group	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Pilbara Regional Council (2 reps)	Cr Lynne Craigie Cr Anita Grace	Cr Shane Carter Cr Gerry Parsons
Newman Mainstreet Project Inc	Cr Doug Stead	Cr Anita Grace
Local Recovery Committee	Cr Lynne Craigie	Cr Lang Coppin
LEMC - Newman	Cr Craig Hoyer	Cr Lynne Craigie
LEMC – Marble Bar	Cr Dean Hatwell	Cr Stephen Kiernan
LEMC – Nullagine	Cr Bidy Schill	Cr Stephen Kiernan
Audit Committee	Cr Shane Carter Cr Anita Grace Cr Doug Stead Cr Gerry Parsons	
*East Pilbara Land Conservation District Committee	Cr Lang Coppin	N/A
*Recognised Biosecurity Group (RBG)	Cr Lang Coppin	N/A
Bush Fire Advisory Committee	Cr Craig Hoya	Cr Doug Stead
*De Grey Land Conservation District Committee	Cr Lang Coppin	N/A
Marble Bar Tourist Association	Cr Kevin Danks Cr Dean Hatwell	Cr Stephen Kiernan
Marble Bar FESA Unit	Cr Dean Hatwell	Cr Stephen Kiernan
Newman Chambers of Commerce	Cr Gerry Parsons	Cr Lynne Craigie
East Pilbara Independence Support (EPIS)	Cr Doug Stead	Cr Lynne Craigie
Newman Recreation Centre Management Committee	Cr Gerry Parsons	Cr Anita Grace
Newman Visitors Centre Management Committee	Cr Shane Carter	Cr Gerry Parsons
Nullagine Volunteer Bush Fire Brigade	Cr Bidy Schill	Cr Stephen Kiernan
Newman Neighbourhood Centre	Cr Gerry Parsons	Cr Lynne Craigie

Nullagine Community Resource Centre	Cr Bidy Schill	Cr Stephen Kiernan
Pilbara Prospectors Associations	Cr Kevin Danks	Cr Stephen Kiernan
Marble Bar Community Resource Centre	Cr Stephen Kiernan	Cr Dean Hatwell
Newman Liquor Accord	Cr Anita Grace	Cr Gerry Parsons
Newman Women's Shelter	Cr Anita Grace	Cr Lynne Craigie
Newman Turf Committee		
*Development Assessment Panel (DAP) x 4	Cr Lynne Craigie Cr Dean Hatwell Cr Doug Stead Cr Craig Hoyer	Expires 26 th April 2014

**Ministerial Appointments*

9.1.3 SUPERANNUATION SCHEMES POLICY UPDATE

Attachments:	Superannuation Policy amendment.docx
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mr David Kular Manager Human Resources
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

The purpose of this report is to consider amendments to the Superannuation Scheme Policy to reflect the current situation.

BACKGROUND

The Superannuation Scheme Policy must be updated in line with Federal Legislation with the amended contribution rate increasing from 9% to 9.25%.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information. The attached document shows tracks changes to the original policy.



2.31 Superannuation Schemes

Responsible Directorate	Executive Services
Responsible Officer	Manager Human Resources
File Number	ADM 11-10

Objective

To establish the amount of additional superannuation contributions paid on behalf of employees of [Council The Shire of East Pilbara](#) to the WA Local Government Superannuation [Policy Authorities](#) unless agreed otherwise by the Chief Executive Officer.

Policy

Contributory Superannuation Schemes

In addition to the superannuation guarantee charge contributions, where an employee contributes towards his/her own superannuation Council will match the contributions up to a maximum of 5% of the employee's salary on a ratio of 1 to 1.

[The maximum contribution of the combined percentage of the superannuation guarantee charge and Council's contribution will be 14%. The maximum contribution is currently 14.25% comprising of an Employer contribution of 9.25% and additional 5% Employer contribution is paid if the employee decides to salary sacrifice 5% of his/her salary. These figures are subject to review in accordance with the State Superannuation Act 2000 and as amended in the State Superannuation Regulations.](#)

The Chief Executive Officer is the only officer who may vary the application of this policy in negotiating individual contracts of employment or employment arrangements.

In the case of the Chief Executive Officer it can be varied between the officer and Council by mutual agreement.

Salary Sacrifice – Employee Superannuation Contributions

Council approves the sacrifice of salary for payment of superannuation for all eligible employees who request, in writing, such a salary sacrifice on the condition that the level of salary paid to any employee does not fall below the 'minimum wage'.

References	Local Government Act 1995 Section 5.47		
Related Procedures	Nil		
Date Adopted by Council	27 June 2003	Item No	9.1.3
Review/Amendment Date	5 May 2006	Item No	
Next Review			

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

2.31 SUPERANNUATION SCHEMES

STRATEGIC COMMUNITY PLAN

1.2.3 Plan, Attract and Maintain Staff

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt changes to the Superannuation Scheme Policy as presented.



2.31 Superannuation Schemes

Responsible Directorate	Executive Services
Responsible Officer	Manager Human Resources
File Number	ADM 11-10

Objective

To establish the amount of additional superannuation contributions paid on behalf of employees of The Shire of East Pilbara to the WA Local Government Superannuation Authorities unless agreed otherwise by the Chief Executive Officer.

Policy

Contributory Superannuation Schemes

In addition to the superannuation guarantee charge contributions, where an employee contributes towards his/her own superannuation Council will match the contributions up to a maximum of 5% of the employee's salary on a ratio of 1 to 1.

The maximum contribution is currently 14.25%, comprising of an Employer contribution of 9.25% and additional 5% Employer contribution is paid if the employee decides to salary sacrifice 5% of his/her salary. These figures are subject to review in accordance with the State Superannuation Act 2000 and as amended in the State Superannuation Regulations.

The Chief Executive Officer is the only officer who may vary the application of this policy in negotiating individual contracts of employment or employment arrangements.

In the case of the Chief Executive Officer it can be varied between the officer and Council by mutual agreement.

Salary Sacrifice – Employee Superannuation Contributions

Council approves the sacrifice of salary for payment of superannuation for all eligible employees who request, in writing, such a salary sacrifice on the condition that the level of salary paid to any employee does not fall below the 'minimum wage'.

References	Local Government Act 1995 Section 5.47		
Related Procedures	Nil		
Date Adopted by Council	27 June 2003	Item No	9.1.3
Review/Amendment Date	5 May 2008	Item No	
Next Review			

9.1.4 PERMISSION TO COLLECT NATIVE COLLECT NATIVE SEED FROM WITHIN RESERVES VESTED TO THE SHIRE OF EAST PILBARA, BY GREENING AUSTRALIA, WA.

File Ref: ENV-5-3
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: Greening Australia, WA
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider giving approval to Greening Australia, WA to collect native seed from within reserves vested in the Shire of East Pilbara.

BACKGROUND

Council received an email on the 29th May 2014, from Greening Australia, WA, requesting permission to collect native seed from within reserves vested with the Shire of East Pilbara for a period of twelve month period beginning July 2014.

Seed collected from within the Shire of East Pilbara reserves will be utilised in strategic re-vegetation projects throughout the region, and will directly benefit the community as a whole.

Email sent by Greening Australia, 29th May 2014.

Dear Sir/Madam,

On behalf of Greening Australia WA (GAWA), I am seeking permission to collect native seed from within reserves vested to the Shire of East Pilbara.

I request this permission for relevant, appointed staff of GAWA, involved in our valuable land rehabilitation programs.

All staff employed by GAWA undergo significant training in all aspects of seed collection, and are licensed under the Wildlife Conservation Act (1950). Any person collecting seed on behalf of GAWA is required to abide by the conditions of this licence.

Seed collected from within your reserves will be utilised in strategic re-vegetation projects throughout the region, and will directly benefit the community as a whole. Some seed may also be used for the purposes of research into best practice re-vegetation and development of tree cropping programs for the region.

We are seeking this permission for a twelve month period beginning July 2014.

I have attached a draft letter of permission for your convenience and consideration. Should this letter require further clarification, I may be contacted as detailed below.

I look forward to your favourable response.

Yours sincerely,

Kirti Lalji | Administrator | Greening Australia
1 Underwood Avenue, Shenton Park, WA 6008
P 08 6488 6699 | W www.greeningaustralia.org.au



COMMENTS/OPTIONS/DISCUSSIONS

The collection of native seed is not covered in the Council's Policy Manual or Delegations Manual.

West Australian native flora and fauna is protected under the *Wildlife Conservation Act 1950*, and the taking of flora for any purpose requires a licence. That licence shall be accompanied by written permission from the owner of the land or authority having care or control of the land.

Greening Australia, WA are licensed under the Wildlife Conservation Act (1950). Any person collecting seed on behalf of GAWA is required to abide by the conditions of the licence.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 3 Functions of local governments – Division 3 – Executive functions of local governments – section 3.54

3.54 Reserves under control of a local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

[Section 3.54 amended by No. 49 of 2004 s.74(4).]

Wildlife Conservation Act 195023A. *Property in protected flora on Crown land*

- (1) *The property in protected flora on Crown land, until lawfully taken, is, by virtue of this Act, vested in the Crown.*
 - (2) *The provisions of subsection (1) do not entitle any person to compensation.*
- [Section 23A inserted by No. 86 of 1976 s.12]*

23B. *Protected flora on Crown land not to be taken without a licence*

- (1) *A person shall not on Crown land wilfully take any protected flora unless the taking of the protected flora is authorised by, and carried out in accordance with the terms and conditions of, a licence issued to him under section 23C.*
- (2) *In any proceedings for an offence against subsection (1) it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner.*

[Section 23B inserted by No. 86 of 1976 s. 13 (as amended by No. 28 of 1979 s.5); amended by No. 57 of 1997 s. 132(23).]

23C. *Licences to take protected flora on Crown land*

- (1) *Any person may, in the prescribed form containing or accompanied by the prescribed particulars and on payment of the prescribed fee, apply to the Minister for the issue to him of a licence to take protected flora on Crown land –*
 - (a) *for commercial purposes; or*
 - (b) *for scientific purposes or any prescribed purpose,**and the Minister may issue or refuse to issue such a licence.*
- (2) *Subject to this section a licence issued authorises the licence holder, subject to such terms and conditions as are specified in the licence, to take for the purposes so specified on such areas of Crown land as are so specified and during such period or periods as are so specified, the classes or descriptions of protected flora so specified.*
- (2a) *Subject to subsection (5), a licence is valid from the date of issue for the period stated in the licence.*
- (3) *Without limiting the terms or conditions which may be included in a licence issued under this section, the terms and conditions on which a licence to take protected flora for commercial purposes may be granted may include terms or conditions –*
 - (a) *providing that flora taken under the authority of the licence be charged with payment of royalties to the Chief Executive Officer by the licence holder at such rate or rates as are specified in the terms or conditions;*
 - (b) *requiring the licence holder to ensure that any protected flora taken pursuant to the licence is marked, tagged or otherwise made identifiable as flora taken by him*
- (4) *Any royalties payable pursuant to the terms and conditions of a licence issued under this section –*

- (a) *shall be credited by the CEO to the Nature Conservation and National Parks Account referred to in the Conservation and Land Management Act 1984 section 68(1); and*
- (b) *may be sued for and recovered by the CEO as a debt due to him in his capacity as such.*
- (4a) *The Minister may reduce or waive the fee payable in respect of a licence issued under this section.*
- (5) *The Minister may at any time, by notice in writing served on a person to whom a licence has been issued under this section, revoke the licence, but the revocation does not affect any liability or obligation incurred by the period prior to the revocation.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the request from Greening Australia, WA to collect native seeds from within reserves vested to the Shire of East Pilbara, subject to the following conditions of this licence;

- a) All persons collecting native seeds are licenced according to the *Wildlife Conservation Act 1950*, and will abide by the conditions of such licence.**
- b) Permission is granted for a twelve month period beginning 1st July 2014 to 30th June 2015.**
- c) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;**
- d) All care to be taken to avoid the disturbance of fauna habitat; and**
- e) All care to be taken to avoid any disturbance that may lead to soil degradation.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- MAY 2014**

File Ref:	CLR 4-5
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Ms 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 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

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for May 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
23 August 2013	13.5	CIVIC CENTRE – MARBLE BAR Cr Stephen Kiernan asked if the flooring can be repaired or replaced due to wear and tear. Also the window could be tinted and lights checked. Manager Building Assets to follow up	MBA	Flooring still being assessed.	In Progress
25 October 2013	15.1	SKATE PARK MARBLE BAR Cr Stephen Kiernan asked when the mobile skate park would be purchased for Marble Bar. Deputy Chief Executive Officer replied. Further information is currently being sought on the mobile skate park.	DCEO	Public Meeting is being held regarding site for the skate park. Money allocated.	On Going
6 December 2013	13.11	CAPE KERAUDREN Cr Lang Coppin asked about the running and managing cost for Cape Keraudren. Deputy Chief Executive Officer replied a report was currently being undertaken by the Manager Building Assets.	DCEO	Meeting 13 th June 2014 with the Department to discuss future of Cape Keraudren	On Going
14 March 2014	9.2.20	MARBLE BAR RESERVE 2906 – CONSIDERATION OF GAUGING CABLEWAY (FLYING FOX)	MBA	Waiting for response from Department of Water & Rivers	On Going
24 April 2014	13.2	FLAGPOLE MARBLE BAR POOL Cr Dean Hatwell asked if a flagpole can be installed at the Marble Bar Pool as Australia Day celebrations are held at the pool and cannot put up a flag.	MCW	Flag pole has been ordered.	In Progress

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Deputy Chief Executive Officer to follow up.			
24 April 2014	13.3	LANDSCAPING MINDARRA DRIVE Cr Shane Carter said the landscaping is starting to look good, is it possible to meet with the Newman Club to discuss their intentions. Deputy Chief Executive Officer to follow up.	DCEO	Letter written requesting the possibilities of attendance at council meeting.	In Progress
24 April 2014	13.5	ASHBURTON ABORIGINAL CORPORATION CLEAN UP Cr Doug Stead asked if we can send a letter of appreciation for the work Ashburton Aboriginal Corporation are doing for the clean-up around the Parnpajinya and Jigalong Community. Deputy Chief Executive Officer to follow up.	MCW		On Going

9.2.2 MARBLE BAR SKATE PARK LOCATION

File Ref:	REC-24-2
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Michoff Manager Community Wellbeing
Location/Address:	R27265, Lot 353, General St Marble Bar
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Councils approval to commence with the installation of the Marble Bar Skate Park on Reserve 27265, Station Street, Marble Bar

BACKGROUND

Council has previously endorsed the installation of a Skate Park in Marble Bar for use by young people in the town. In 2013/14 financial year capital funds were secured for the project. Consultation with young people within the community and community stakeholders has taken place between November 2013 and June 2014, with a range of locations considered for the installation of the Skate Park.

COMMENTS/OPTIONS/DISCUSSIONS

Locations considered for the installation of the 20 x 20 metre concrete pad and Skate Park were selected with the following parameters in mind:

- Plain sight of community thoroughfares
- Inclusive of community activities and not hidden away
- Would demonstrate a sense of community openness
- Youth friendly and approved location

Under these parameters three locations were initially considered for the installation of the Skate Park. They are:

1. Extending the Marble Bar RSL Memorial Park towards the River and incorporating the Skate Park
2. The old Horizon Power site, located on General Street adjacent to the RSL Memorial Park
3. Reserve 27265 on General St, (along Station St) which is also the location of Recreation Shed, Gym and Outdoor Hard courts

Initially all three locations were discussed with the Marble Bar Youth Council and attendees of the Marble Bar Youth Shed. Their order of preference was as listed above.

Further investigation was then carried out on each site. Findings were:

Site 1 – This area is a flood plain and would not be safe for development.

Site 2 – This area is likely contaminated due to previous power station activities and would require vast amounts of contamination testing and possibly clearing before

being deemed safe for development. Budget is not currently available for contamination testing.

Site 3 – This area is already zoned for recreation purpose and would require little development to be fit for purpose. The facility would contribute into the existing recreation zone, with outdoor hard courts, gym and youth shed already on site. Power is accessible and further development works, such as lighting, could be incorporated into an overall recreation masterplan for this precinct. Supervision of the park could occur by the Recreation Officer during working hours and facilities at the youth shed, such as toilets, could be utilised whilst the shed is open. The area is already well serviced by young people. This site has been surveyed.

This information was provided to a Marble Bar Community Meeting, hosted by the Shire on Wednesday 28th May 2014 at 6pm for discussion and feedback. Full minutes of the meeting are attached. All agreed that the first two sites were not suitable. Most attendees were in favour of location 3; however some minor issues were raised and discussed. These were:

- Noise Levels for Police Officer in Charge's residence, located directly across Station St from the proposed site. Discussion indicated that if lighting was switched off at an agreed time this would not pose any major issues for this residence. Vegetation could also be incorporated into the site to provide a noise barrier and further developments of the skate park, such as shade structures, could be engineered to direct the noise away from the residence. There is a 34 metre buffer of road between the house and the beginning of the lot. The skate park would be set well back on the Lot, with a likely distance of at least 50 metres between the residence and infrastructure.
- Safety of Skaters entering General St. Due to the slant of the hill there are some concerns that when leaving the park skaters may ride down the hill of Station St, miss the pathway and cross directly onto the road. It was agreed that this could be monitored after implementation and if needed rails for the pathway may need to be installed.
- Possible Graffiti was raised as a concern. It was feedback that graffiti in the town is currently very minimal and that graffiti is a possibility at any location selected. The implementation of graffiti art programs after the skate park is launched will provide an opportunity for young people to take pride in the skate park, with evidence provided by skate park manufacturers showing this is likely to decrease chances of graffiti. This centrally located and visual position, opposite the Police Station, should help to design out such crimes.
- Behind the CRC was raised as an alternative location. Discussion ensued about the appropriateness of this location and it was agreed by the majority that this did not meet the parameters initially set for the Skate Park.
- General concern was raised about the rules for use of the Skate Park. Some attendees felt that it would be important to have rules set in place by the community to which the young people should agree to before the park commenced. Attendees agreed to continue this discussion through the Marble Bar Progress Association meeting, scheduled 9th June 2014, where any further feedback regarding the skate park would be supplied to Council.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.54. Reserves under control of a local government (pg. 70)

POLICY IMPLICATIONS**6.3 YOUTH – PLANNING COMMUNITY FACILITIES AND YOUTH RECREATION PROGRAMS****STRATEGIC COMMUNITY PLAN****Goal 2 – Social – Planned Actions**

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

2.1 Health and recreation**2.1.1 Promote safe and healthy communities**

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

2.1.3 Encourage high rates of participation in community activities and events

Responsible officer: MCW

Timing: 1 year

2.1.4 Support individual and community health

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

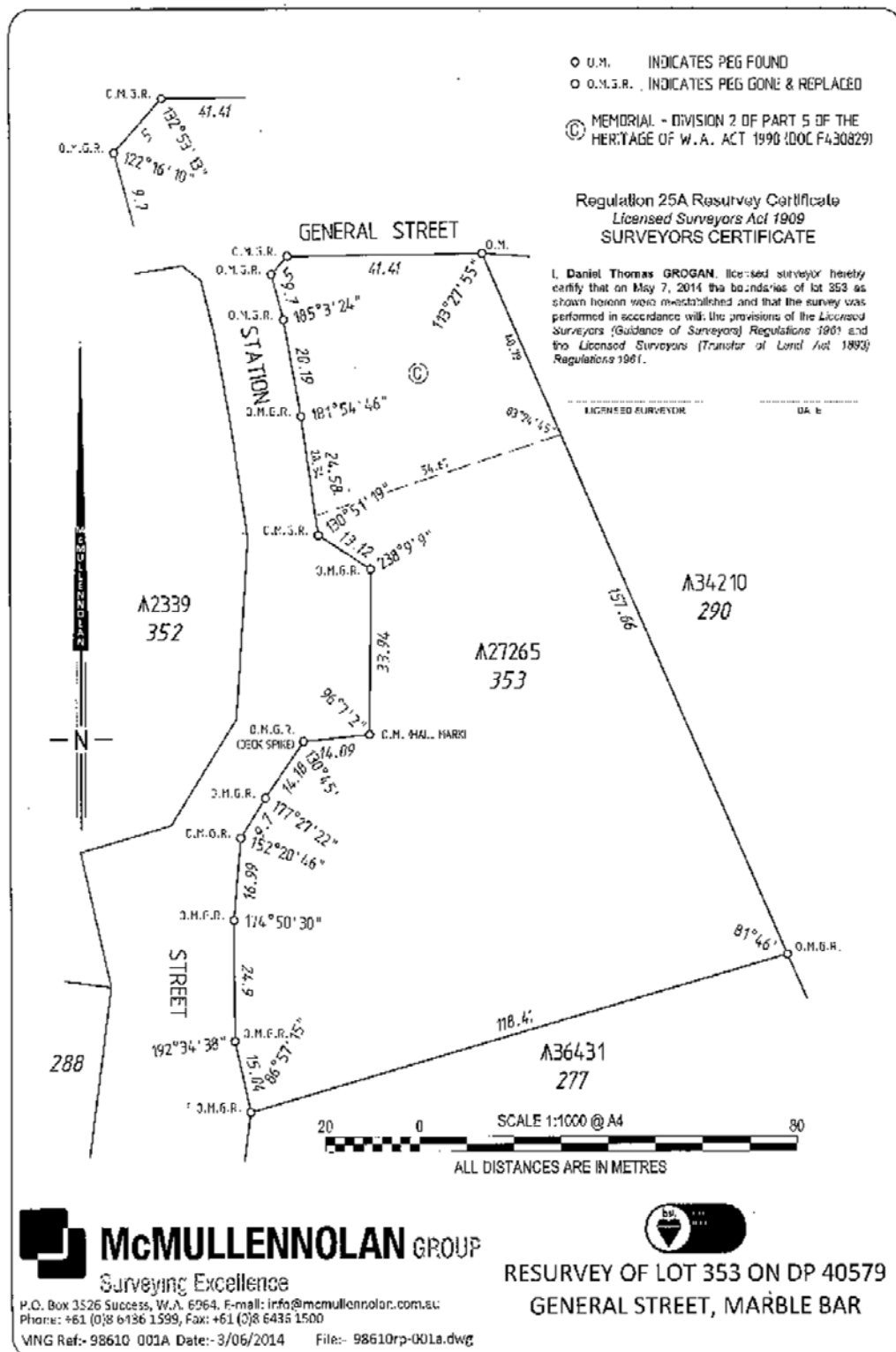
VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the location of Lot 353, General St, Marble Bar as the location for the installation of the Marble Bar Skate Park.





9.2.3 AFFIXING COMMON SEAL - WA TREASURY LOAN

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Lisa Davis
Coordinator Financial Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer has applied the common seal of the Shire of East Pilbara to the following agreements:

1. WA Treasury Corporation Loan

BACKGROUND

The background information to each agreement is as follows:

1. This loan agreement entered into between the WA Treasury Corporation and the Shire of East Pilbara. The loan amount is for \$2,000,000 and will be used for Sewerage Plant Capital Improvements.

COMMENTS/OPTIONS/DISCUSSIONS

Comments for each agreement are as follows:

1. This agreement sets out the loan terms and conditions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS**4.5 EXECUTION OF DOCUMENTS**

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Ref: ADM-14-9

Legislative Authority for Delegation: s.5.42 Local Government Act 1995

Delegation:

Authority to prepare, approve and execute the necessary documents taking into account and 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 Delegation:

Nil

Conditions attached to Delegations:

Also refer to Council's Standing Orders Local Law

Date of Delegation: _____

Delegator (Shire President): _____

EXECUTION OF DOCUMENTS

Minute No: 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 the seal was applied.

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara to the following agreements:

1. WA Treasury Corporation Loan

9.2.4 ANNUAL REVIEW CODE OF CONDUCT

File Ref:	LEG-2-5
Attachments:	Code of Conduct 2014.docx
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Mearns Coordinator Governance
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to review and adopt the up to date Code of Conduct.

BACKGROUND

The Code of Conduct is a requirement of the Local Government Act 1995, section 5.103. The legislative requirement to conduct and annual review of the Code of Conduct, as per the *Local Government Act 1995, section 5.103(2)*, has since been repealed. However, keeping in line with Council's policy to review policies and procedures annually, the decision to review the Code of Conduct will remain.

COMMENTS/OPTIONS/DISCUSSIONS

The format of the Code of Conduct document has been updated in line with Council's new style guide however the content remains the same.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration (Division 9 - Conduct of certain officials) 5.103. Codes of conduct (pg 195)

Local Government (Rules of Conduct) Regulations 2007

Local Government (Administration) Regulations 1996 Regulation 34B and 34C

POLICY IMPLICATIONS12.1 CODE OF CONDUCT**STRATEGIC COMMUNITY PLAN****Goal 1 – Civic Leadership – Planned Actions**

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the Code of Conduct 2014 as presented.

9.2.5 ANNUAL REVIEW OF POLICY MANUAL

File Ref:	LEG-2-1
Attachments:	Policy Manual - 2014.docx
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Mearns Coordinator Governance

REPORT PURPOSE

For Council to adopt the 2014 Policy Manual.

BACKGROUND

Council last reviewed the Policy Manual on 28 June 2013. Since the last review, up to and including the Council meeting held 23 May 2014, Council has resolved to make 10 policy amendments and adopt 10 new policies.

COMMENTS/OPTIONS/DISCUSSIONS

1. Policies relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.
2. The objectives of the Council's Policy Manual are:
 - a) To provide Council with a formal written record of all policy decisions;
 - b) To provide staff with precise guidelines in which to act in accordance with Council wishes;
 - c) To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
 - d) To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
 - e) To enable Councillors to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
 - f) To enable residents and ratepayers to obtain immediate advice on matters of Council Policy.
3. Changes to council Policy shall be made only on:
 - a) Notice of motion; or
 - b) An agenda item clearly setting out details of the amended policy; or
 - c) At the annual review of Council's Policy Manual, subject to verification from the Chief Executive Officer.

Although the *Local Government Act 1995* ("the Act"), s2.7 specifically mentions the making of policies as a role of the Council, there is no definition of "Policy in the Act. A suitable definition would appear to be:

Policy

A general rule to be applied in the exercise of a function (power or duty) and includes a statement of conditions under which an authorisation may, or is to be, given or withheld.

In that it is a "rule" it can be regarded as the fourth layer in a legislative hierarchy, ie –

- Acts of Parliament
- Regulations
- Local Laws
- Policies

The Act states that Council's role is defined as:

- 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"*
- "Section 3.1 provides that the general function of local government is:*
- 1) *The general function of a local government is to provide for the good government of persons it its district.*
 - 2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
 - 3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government. "*

Taking the above information into consideration three manuals have been developed, those being:

1. The Policy Manual
2. The Authorisations and Delegations Manual; and
3. The Chief Executive Officer's Operation Manual.

The aim of the manuals is to ensure a consistent response in dealing with people be they residents, councillors, staff, ratepayers, contractors, visitors or any other individual or organisation with a relationship with the Council.

The following policies have been adopted by Council in the 2013/2014 financial year and included in the Policy Manual:

AGENDA ITEM	RESOLUTION	NOTE
23 August 2013		
9.3.3	201314/74	Proposed Amendments to Local Planning Policy No 1 – East Newman Master Plan
27 September 2013		
9.2.7	201314/87	Purchasing and Tender Procedures - Update
11.3	201314/99	SoEP Use of CCTV Monitoring Equipment Policy and CCTV Standard Operating Procedures – New Policy & Procedures
25 October 2013		
11.2.3	201314/117	Debt Policy – New Policy

11.2.7	201314/121	Financial Reserves Policy – New Policy
11.3.2	201314/125	Final Adoption – Amended Local Planning Policy No. 1 East Newman Master Plan
6 December 2013		
9.2.9	201314/156	Purchasing and Tender Procedures Policy - update
31 January 2014		
9.2.2	201314/185	Changes to the Community Assistance Grants Policy
9.2.4	201314/187	Amendment to the Shire President and Councillors – Attendance Fees, Expenses & Allowances Policy
14 March 2014		
9.2.8	201314/226	Amendment to Light Vehicle Policy
9.2.9	201314/227	Amendment to Staff Use of Recreation Facilities Policy
9.2.11	201314/229	Post Graduate Studies/Further Education – New Policy
9.2.12	201314/230	Amendment to Training Policy
24 April 2014		
9.2.17	201314/267	Purchasing and Tender Procedures Policy Update
9.2.18	201314/268	Risk Management – New Policy
9.2.19	201314/269	Corporate Credit Card – New Policy
9.2.20	201314/270	Legislative Compliance – New Policy and Procedures
23 May 2014		
9.2.4	201314/293	Advocacy – New Policy
9.2.5	201314/294	Local Government Days – New Policy
9.2.6	201314/295	Social Media – New Policy

A draft copy of the 2014 Policy Manual is included under separate cover. Minor amendments to policies have been made.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

To be reviewed, updated and adopted annually.

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

THAT Council adopt the 2014 Policy manual as presented.

9.2.6 AUTHORITY TO AFFIX COMMON SEAL AND SIGN LOTTERYWEST BUILDING GRANT AGREEMENT 421004510

File Ref: FIN-4-3
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sue Mearns
Coordinator Governance
Location/Address: 2 Abydos Way, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider granting authority to the Shire President and Chief Executive Officer (CEO) to affix the Shire common seal and sign a Lotterywest Building Grant Agreement 421004510.

BACKGROUND

The Shire of East Pilbara has applied to Lotterywest for financial assistance for the construction of the East Pilbara Art Centre.

COMMENTS/OPTIONS/DISCUSSIONS

The funding is for the amount of \$600,000.00.

Council can approve or not approve the request to apply the common seal to the Building Grant Agreement.

It is therefore respectfully requested that Council authorise the Shire President and CEO to sign and affix the common seal to the Agreement.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS**4.5 EXECUTION OF DOCUMENTS****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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the affixing of the common seal to the Lotterywest Building Grant Agreement 421004510 to accept assistance to construct the East Pilbara Art Centre.

9.2.7 CORPORATE BUSINESS PLAN REPORT

Attachments:	<u>Corporate Business Plan</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Mearns Coordinator Governance
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

The purpose of this report is to update Council on the progress of delivering on Actions detailed in the Corporate Business Plan as at the end of financial year 2014.

BACKGROUND

On 26 May 2010, the Minister for 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 were required to have developed a Corporate Business Plan which would drive the development of each Local Governments 2013/2014 Annual budget.

The Shire of East Pilbara's Corporate Business Plan was adopted in 24 May 2013 in line with these regulations, with notice being given to the public that the plan had been adopted.

In line with regulatory requirements, the Corporate Business Plan is to be reviewed and a report provided to Council on an annual basis. Moving forward however, it has been decided that a quarterly report will be provided to Council on the status of strategies, with these reports contributing to the Shire of East Pilbara Annual Report.

COMMENTS/OPTIONS/DISCUSSIONS

Updates in relation to the Corporate Business Plan report have been sought from the responsible officers across all Directorates of the Shire. The report outlines progress towards or completion of the strategies set out in the Shire of East Pilbara Corporate Business Plan.

The attached Plan details the achievements of key strategies and the progress made to date.

Of the 151 actions contained within the Corporate Business Plan:

Status	Amount
Completed	60
On Schedule	93
To Review	12
Total	165

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

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council receive and note the report titled "Corporate Business Plan Report" for the financial year 2013/14.

9.2.8 PUBLIC INTEREST DISCLOSURE

File Ref:	LEG-1-10
Attachments:	Public Interest Disclosure Guidelines 2014.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Mearns Coordinator Governance
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the change of position name as the Public Interest Disclosure Officer, from Deputy Chief Executive Officer to the following (Public Information Disclosure Officers):

- Coordinator Governance
- Manager Development Services – Building
- Manager Community Safety

BACKGROUND

On the 6 December 2013, item 9.2.9, Council resolved;

THAT:

1. *Council endorse the change of position name as the Public Interest Disclosure Officer from Director Corporate Service to Deputy Chief Executive Officer.*
2. *Council endorse the changes to the Public Interest Disclosure procedures as required to reflect the position name change.*

The Act states; that;

“The Chief Executive Officers of a public authority will be required to appoint a person to receive disclosures; to provide protection to employees who make a disclosure; to ensure that their agency complies with the legislation and code; and to prepare procedures relating to agency obligations under the legislation.”

Where practicable the Public Interest Disclosure Officer ought not be the principal executive officer of the public authority therefore, the Public Interest Disclosure Officer should be a senior officer within the organisation who is provided with support in relation to their obligations.

COMMENTS/OPTIONS/DISCUSSIONS

The Chief Executive Officer has changed the appointment of the Public Interest Disclosure Officer as follows in line with staff changes and functions. These changes will also be reflected in the Public Interest Disclosure Guidelines as attached.

Changes are permitted provided obligations are met under the Public Interest Disclosure Act.

The newly appointed Public Interest Disclosure Officers will be the:

- Coordinator Governance
- Manager Development Services – Building
- Manager Community safety

STATUTORY IMPLICATIONS/REQUIREMENTS

Public Interest Disclosure Act 2003 – Part 5 Section 23

(1) The principal executive officer of a public authority must –

- a) Designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information; and
- b) Provide protection from detrimental action or the threat of detrimental action for any employee of the public authority who makes an appropriate disclosure of public interest information; and
- c) Ensure that his or her public authority complies with this Act; and
- d) Ensure that his or her public authority complies with the code established by the Commissioner under section 20; and
- e) Prepare and publish internal procedures relating to the authority's obligations under this Act; and
- f) Provide information annually to the Commissioner on-
 - I. The number of public interest disclosures received by a responsible officer of the authority over the report period; and
 - II. The results of any investigations conducted as a result of the disclosures and the action, if any, taken as a result of each investigation; and
 - III. Such other matters as are prescribed.

(2) Internal procedures prepared under subsection (1) (e) must be consistent with guidelines prepared by the Commissioner under section 21.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Endorse the change of position name as the Public Interest Disclosure Officer from Deputy Chief Executive Officer to the following Public Interest Disclosure Officers – Coordinator Governance, Manager Community Safety and Manager Development Services - Building.**
- 2. Council endorse the changes to the Public Interest Disclosure Guidelines as required to reflect changes.**

9.2.9 REVIEW OF MEETING ATTENDANCE FEES AND MEMBER ALLOWANCES

File Ref:	CLR-4-2
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Mearns Coordinator Governance
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To determine the amount to be provided in the 2014/2015 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 annual basis. The Act also allows for the reimbursement of, or an allowance to, cover certain expenses incurred by members.

The value of those fees and allowances are stipulated in the Local Government (Administration) regulations and are as follows:

	For a council member other than the Mayor or President			For a council member who holds the office of Mayor or President		
Committee meeting and prescribed meeting fees per meeting – local governments	\$363.00	to	\$567.00	\$363.00	to	\$760.00
Annual attendance fees in lieu of council meeting and committee meeting attendance fees – local governments	\$14,500.00	to	\$22,600.00	\$14,500.00	to	\$30,385.00
Annual Allowance for a Mayor or President of a Local Government				\$15,000.00	to	\$61,800.00
Annual Allowance for a Deputy Mayor - being the percentage determined for the purposes of S5.98A(1) of the LG Act of 25%	\$3,750.00	to	\$15,450.00			

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, 2013/2014, provides for the payment of Meeting Fees quarterly in arrears of \$14,500 each annually for Councillors and \$28,000 annually for the President. In addition, an allowance of \$32,000 is paid (quarterly in arrears) to the Shire President, and \$4,000 to the Deputy President to recognise any out of pocket expenses which have been incurred in representing the Council.

Council does have the option to raise Councillor meeting fees however it is suggested that in the 2014/2015 year no increase be given.

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 June 2014

POLICY IMPLICATIONS**Goal 3 - Community Leadership**

To Provide Sound Leadership and Strong Representation

3.1 Representation

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 the 2014/2015 budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council:

1. **Endorse the following annual allowances and meeting attendance fees for inclusion in the 2014/2015 budget to be paid quarterly in arrears**
 - (a) **Councillor's Meeting Fees \$145,000
(An Annual Fee of \$14,500 per Councillor)**
 - (b) **President's Meeting Fees \$28,000**
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 \$32,000 per annum be paid quarterly in arrears**
4. **A Deputy Presidential Allowance of \$8,000 per annum be paid quarterly in arrears**

9.2.10 RISK MANAGEMENT STRATEGY

Attachments:	Risk Management Strategy 2014.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sue Mearns Coordinator Governance
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Councils endorsement of a new Risk Management Strategy.

BACKGROUND

The Risk Management Strategy will be used to assist ensure that sound Risk Management practices and procedures are fully integrated into Council's strategic and operational planning processes and provide direction on how Council is to manage risk.

COMMENTS/OPTIONS/DISCUSSIONS

The Risk Management Policy was endorsed by Council at its meeting on 24 April 2014. In line with this Policy, the Risk Management Strategy has been developed to ensure that risk management practices and procedures are fully integrated in the Council's strategic and operational planning processes and to assist in providing direction to Council on how to manage risk.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS4.12 RISK MANAGEMENT**STRATEGIC COMMUNITY PLAN****Goal 1 – Civic Leadership – Planned Actions**

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

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

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the new Shire of East Pilbara Risk Management Strategy.

9.2.11 SUNDRY DEBTORS WRITE OFF

File Ref: FIN-10-2
Responsible Officer: Ms Sian Appleton
 Deputy Chief Executive Officer
Author: Ms Isabella Kloppers
 Revenue Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to write off uncollectible debt to the value of \$6, 779.00

BACKGROUND

As per table below, outlines invoices that remain outstanding for over 3 months as of 13 June 2014.

COMMENTS/OPTIONS/DISCUSSIONS

Debtor	Debtor Name	Invoice	Amount	Details	Comments
2508	ASTRO'S NETBALL CLUB	60302	\$15.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	60303	\$36.00	REC CENTRE BOOKING	Various phone calls and emails sent to this club. All attempts made to find new club contact details without any success. Have notified Newman Rec Centre no response or outcome from their side either. It is in my opinion all attempts have been made to recover the money
2508	ASTRO'S NETBALL CLUB	59227	\$25.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	59228	\$60.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56975	\$20.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56983	\$5.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56989	\$60.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56554	\$22.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56557	\$20.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56560	\$48.00	REC CENTRE BOOKING	
TOTALS			\$311.00		

Debtor	Debtor Name	Invoice	Amount	Details	Comments
2564	HAMERSLEY HMS PTY LTD	57006	\$555.00	REC CENTRE BOOKING 2012	Various phone calls and emails sent to this company. Rec Centre does not have any paperwork to try and locate a specific contact person. It is in my opinion that we will not recover the money from them.

Debtor	Debtor Name	Invoice	Amount	Details	Comments
2756	RED DIRT COMMUNICATIONS PTY LTD	58357	\$1728.00	NEWMAN AIRPORT ANNUAL PARKING PERMIT AND PROXIMITY CARD	Various phone calls and emails sent to this company. The Sales Manager responded to my email placed on their website. He copied Mr Cooper in on the mail. Issue was between them and Mr Burger and the company. I am positive that we will not get this money.

Debtor	Debtor Name	Invoice	Amount	Details	Comments
683	MACMAHON CONTRACTORS	57844	\$814.00	NEWMAN TIP FEES	Various phone calls and emails sent to this company. Calls put forward from one department to the next. They require purchase orders but we do not have any purchase orders for rubbish dumped in the past. I do not think that we will get the money. Also sent a final letter of demand with tip suspension, no response.
683	MACMAHON CONTRACTORS	57936	\$946.00		
683	MACMAHON CONTRACTORS	58114	\$836.00		
683	MACMAHON CONTRACTORS	58297	\$594.00		
683	MACMAHON CONTRACTORS	58451	\$352.00		
683	MACMAHON CONTRACTORS	61528	\$198.00		
TOTALS			\$3740.00		

Debtor	Debtor Name	Invoice	Amount	Details	Comments
2848	MR GEOFF HUMPHRIES	59876	\$445.00	IMPOUND DOG	Various copies of invoices and statements mailed to the address on hand. No contact number. All attempts made to recover the money.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

** Absolute majority required.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY
 Nil.

PLAN FOR FUTURE OF THE DISTRICT
 Nil.

FINANCIAL IMPLICATIONS

Reduction in Sundry Debtors totalling \$6,779.00.

An amount of \$9,064.28 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 Name	Invoice	Amount	Details	Comments
2508	ASTRO'S NETBALL CLUB	60302	\$15.00	REC CENTRE BOOKING	Various phone calls and emails sent to this club. All attempts made to find new club contact details without any success. Have notified Newman Rec Centre no response or outcome from their side either. It is in my opinion all attempts have been made to recover the money
2508	ASTRO'S NETBALL CLUB	60303	\$36.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	59227	\$25.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	59228	\$60.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56975	\$20.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56983	\$5.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56989	\$60.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56554	\$22.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56557	\$20.00	REC CENTRE BOOKING	
2508	ASTRO'S NETBALL CLUB	56560	\$48.00	REC CENTRE BOOKING	
TOTALS			\$311.00		

Debtor	Debtor Name	Invoice	Amount	Details	Comments
2564	HAMERSLEY HMS PTY LTD	57006	\$555.00	REC CENTRE BOOKING 2012	Various phone calls and emails sent to this company. Rec Centre does not have any paperwork to try and locate a specific contact person. It is in my opinion that we will not recover the money from them.

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Debtor	Debtor Name	Invoice	Amount	Details	Comments
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683	MACMAHON CONTRACTORS	58114	\$836.00		
683	MACMAHON CONTRACTORS	58297	\$594.00		
683	MACMAHON CONTRACTORS	58451	\$352.00		
683	MACMAHON CONTRACTORS	61528	\$198.00		
TOTALS			\$3740.00		

Debtor	Debtor Name	Invoice	Amount	Details	Comments
2848	MR GEOFF HUMPHRIES	59876	\$445.00	IMPOUND DOG	Various copies of invoices and statements mailed to the address on hand. No contact number. All attempts made to recover the money.

9.2.12 TRANSFER OF OPERATIONAL BUDGET ALLOCATION TO CAPITAL BUDGET

Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Warren Barker Coordinator Building Services
Proposed Meeting Date:	27 June 2014
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to approve the transfer of \$5,560.00 of operational budget for Gallop Hall, Nullagine to capital budget, to allow for the purchase of a two door display refrigerator for Gallop Hall. This amount includes the cost of freight to Nullagine.

BACKGROUND

EPIS's lease of this property was to cease on the 30th June, 2014, however EPIS handed back the property earlier, the Shire is now responsible for the bookings of Gallop Hall and to ensure that the appropriate furniture, furnishings and electrical equipment is available for use by Gallop Hall users.

Upon a property inspection of the premises, it was noted that there was no fridge at the premises. It is considered a necessary requirement for a fridge to be purchased and made available to those agencies and individuals who book Gallop Hall for meetings and events.

COMMENTS/OPTIONS/DISCUSSIONS

Upon approval by Council for the transfer of \$5,560.00 from operational to capital, Building Assets will place an order for a refrigerator to ensure that the purchase is made prior to the end of the financial year. Quotes have already been sourced.

The Shire has received a booking request for Gallop Hall for an 'Employment Day' by BC Iron on the 2nd July, 2014, and the refrigerator will be required for this date.

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**3.5 BUDGET MANAGEMENT – CAPITAL ACQUISITIONS****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

2.4.3 *Provide relevant and affordable community services*

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

Account 111004 currently has a budget of \$24,500, expenditure to date is \$17,933.23 with a balance of \$6,566.77.

If this request is approved:

Account 111004's budget of \$24,500 will decrease to \$18,940, which will leave a balance of \$1,006.77 to be utilised for operational expenses in relation to Gallop Hall for the duration of this financial year.

New Capital account will be created with a budget of \$5,560.00 for the purchase of the new refrigerator and freight costs to Nullagine.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approve the transfer of operational expenditure budget \$5,560 from account 111004 to a newly created Capital expenditure budget for the purchase and freight of a new refrigerator for Gallop Hall, Nullagine.

9.2.13 CREDITORS FOR PAYMENT

File Ref: FIN-10-2

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Candice Porro
Expenditure Finance Officer

Proposed Meeting Date: 27 June 2014

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 23rd May 2014.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT23823-EFT24180	3,525,386.87
	Total	\$3,525,386.87
Cheque Payments	22869-22933	219,615.00
Manual Chq Payments	146-152	30,874.17
	Total	\$250,489.17
	GRAND TOTAL	<u>\$3,775,876.04</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**

22896, 22906, EFT23964, EFT24019, EFT24078

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.

FINANCIAL IMPLICATIONS

Total expenses of \$3,775,876.04

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT23823-EFT24180	3,525,386.87
	Total	\$3,525,386.87
Cheque Payments	22869-22933	219,615.00
Manual Chq Payments	146-152	30,874.17
	Total	\$250,489.17
	GRAND TOTAL	<u><u>\$3,775,876.04</u></u>

9.3 DIRECTOR TECHNICAL & DEVELOPMENT SERVICES**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISION - MAY 2014**

File Ref: CLR 4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Ms 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 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

THAT the “Status of Council Decisions” – Director Technical and Development Services for May 2014 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS	Nov 2013 - Cr Lang Coppin & DTDS travelled desert roads and recorded condition of windmills and marked points of interest for future tourist mapping. Officers to allocate resources to develop themes and seek funding	Pending
23 August 2013	13.3	WOODIE WOODIE AREA Cr Kevin Danks has asked if it was possible to have the correct names on the signs. Cr Kevin Danks will give the correct names. Director Technical and Development Services to follow up.	MTS-R	List of names received Oliver to access and action.	In Progress
23 August 2013	13.6	STREET NUMBERING MARBLE BAR Cr Stephen Kiernan asked what was happening in regards to the street numbering in Marble Bar. Cr Dean Hatwell suggested reflective sticker numbers would suit and be held at the Marble Bar Office.	DTDS	Street plates ordered and will be held at Marble Bar Office	In Progress
14 March 2014	13.11	ROGERS WAY NEXT TO AQUATIC CENTRE Cr Anita Grace asked if it was possible to have speed signs erected as there is a lot of traffic speeding and fears someone is going to be hit coming out from the Aquatic Centre. Director Technical and Development Services to follow up.	MTS-N	Work Order to be raised for action – 40km/h speed signs ordered and area to be monitored	Completed
24 April 2014	13.4	FIRE STATION NEWMAN RECLAIM WATER Cr Doug Stead has asked about reclaim water for the greening of the Newman Fire Station. Director Technical and Development Services to follow up.	DTDS	Written application by Newman Fire Station to SOEP. – Verbal Advice will be provided on process	On Going
24 April 2014	13.7	NEWMAN AIRPORT STAFF PARKING	COO-A	A tenants meeting will be	On Going

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Cr Gerry Parsons would like an update on staff parking allocation at the Newman Airport for night time. Director Technical and Development Services to follow up.		held on 24 th June to discuss this issue and options plus other airport related items	
23 May 2014	13.1	CAPE KERAUDREN BOAT RAMP Cr Stephen Kiernan asked if the width of the boat ramp can be looked at, as it could be a hazard especially at night time. Director Technical and Development Officer to follow up.	DTDS	DTDS has inspected. A works request will be raised to carry out minor repairs to make safe	In Progress
23 May 2014	13.6	ROAD VERGE – VISITORS CENTRE TO WHALEBACK MINESITE Cr Gerry Parsons asked who was responsible for the roadside from the visitors centre to Mt Whaleback Minesite as the vegetation is over grown and requires cutting back. Director Technical and Development Services said the Shire is responsible for this and will follow up on the query.	DTDS	A Works request has been raised	Completed

9.3.2 QUOTES FOR COMMUNITY SAFETY LIGHTING PROJECTS

File Ref:	FIN-23-10
Attachments:	Confidential under separate cover
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Paul Dickson Manager Community Safety
Proposed Meeting Date:	27 June 2014
Location/Address:	Fortescue Avenue and Welsh Drive - Newman
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider quotes for the supply and/or supply and installation of pathway lighting:

1. Along Fortescue Avenue/Newman Dr walkway/cycleway and exercise nodes and,
2. Along the Welsh Drive walkway/cycleway;

and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful supplier.

BACKGROUND

The Shire of East Pilbara utilised the WALGA e-quotes process to request quotes for the supply and/or supply and installation of solar lighting along the Fortescue Avenue walkway and into the exercise nodes on the Fortescue Avenue Walkway and as a second priority along the Welsh Drive walkway.

Previously Council approved expenditure on pathway lighting not previously allowed for in the budget to allow the inclusion of funds provided by BHP.

Five vendors were notified via the request for quotes posted on e-quotes on the 7th April 2014:

- Eco-FX Pty Ltd
- Mondoluce
- Sylvania Lighting Australasia Pty Ltd
- Tigerlight WA
- Visual Lighting International Pty Ltd

COMMENTS/OPTIONS/DISCUSSIONS

Four vendors provided quotes for the project (see table attached), all vendors demonstrated a capability to undertake the works associated with the project scope.

An assessment of all vendors and their submissions indicated that the most advantageous quote to Council, which would allow for delivery and installation of solar lighting along Fortescue Avenue and into the exercise nodes, as well as delivery and installation of solar lighting along Welsh Drive, at a price that was within budget parameters, was from Eco-FX Pty Ltd.

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

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

- 2.1 Health and recreation
- 2.1.2 *Encourage active lifestyles*
Responsible officer: MCW
Timing: 1-3 years

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

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**

Responsible officer: MCW

Timing 1 year

FINANCIAL IMPLICATIONS

No financial resource impact.

Previously Council approved expenditure on pathway lighting not previously allowed for in the budget.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

- 1. THAT Council award the supply, delivery and installation of walkway lighting to Fortescue Avenue and Welsh Drive, including the installation of lighting to the exercise nodes on Fortescue Avenue, to Eco-FX Pty. Ltd. for a total cost of \$218,315.20 excluding GST.**
- 2. THAT Council approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Eco-FX Pty. Ltd with respect to this contract.**

9.3.3 TENDER RFT 21-2013/2014 PROVISION OF WET HIRE OF PLANT, EQUIPMENT AND PERSONNEL

File No: TCH1.7
Attachments: Confidential under separate cover
Responsible Officer: Mr Rick Miller
Director Technical & Development Services
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider the submission of tenders for the provision of Wet Hire of Plant, Equipment and Personnel in order to appoint a panel of suitably qualified and experienced Contractors for a fixed term and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderers..

BACKGROUND

Council as part of its annual works program engages contractors in order to assist with and/or deliver the required outcomes with regard to major as well as minor earthworks. Contractors are engaged at times to assist Council's own workforce or to carry out funded civil construction projects in local and remote locations within the Shire.

The current contract term expires on the 30th of June 2014 (Tender RFT 10-2011/2012 Provision of Wet Hire of Plant, Equipment and Personnel). As such a new tender was advertised for a one (1) year term from 1st July 2014 to the 30th of June 2015 with the option to extend by a further 2 x 12 months periods or part thereof up to the 30 June 2017.

Council engaged the Procurement Consultancy Service of WALGA to undertake the Procurement Service for the Provision of Wet Hire of Plant, Equipment and Personnel in order to appoint a panel of suitably qualified and experienced Contractors. This process negates the requirement to call for tenders in the event that major and or extended earthworks are required during the term of the contract.

The request for tenders was advertised in the West Australian and the WALGA TenderLink e-Tendering Portal on Wednesday the 14th of May 2014.

The request for tender closing date was Thursday the 5th of June 2014.
Ten (10) Tender submissions were received from the following organisations:

Tenderer	ABN	Address
Australian Civil Haulage Pty Ltd t/a ATF The Trustee for Civil Haulage Unit Trust	61 021 089 221	20/28 Belmont Avenue, Belmont WA 6104
BnJ's Earthmoving Pty Ltd	93 096 154 095	PO Box 52, 30 Shovelanna Street, Newman WA 6753
Capricorn Blue Enterprises Pty Ltd	49 111 401 677	Lot 1581, Woodstock Street, PO Box 130, Newman WA 6753
Degrey Civil Pty Ltd	23 141 935 364	32 Redcliffe Road, Redcliffe WA 6104
East Pilbara Earthmoving ATF Moule and Paull Family Trust	25 774 647 315	PO Box 745, Cobram VIC 3644
Edwards Transport Trust	91 637 441 182	1 Munda Way, Wedgefield, WA 6721
GS Hobbs Contracting	61 566 344 118	6895 Newdegate, Ravensthorpe Road, Lake King WA 6356
West Coast Stabilisers (Registered Entity – Roadline Holdings Pty Ltd)	48 00 455 985	27 Thornborough Road, Mandurah WA
Western Stabilisers	74 127 926 265	821 Dilling Railway Road, Corrigin WA 6375
Young's Earthmoving Pty Ltd	54 094 469 584	U27/589 Stirling Highway, PO Box 262, Cottesloe WA 6011

The Tenders were assessed by a WALGA Evaluation Panel and Council's Manager Technical Services – Rural Operations. A detailed report including the evaluation process, assessment and recommendation is provided under separate cover as a confidential attachment.

COMMENTS/OPTIONS/DISCUSSIONS

The tender document contained a generic price schedule giving the tenderer the option to list equipment that they have available as well as a section of required equipment covering Councils more remote work's needs.

Tenderers were able to provide prices based on town works only consisting of the Towns of Newman, Nullagine and Marble Bar as well as remote works requiring a high level of self-sufficiency including fully functional remote camps for personnel.

The following table shows the options that have been tendered for:

Tenderer	Town Based Works	Remote Works
Australian Civil Haulage Pty Ltd t/a ATF The Trustee for Civil Haulage Unit Trust	Yes	Yes
BnJ's Earthmoving Pty Ltd	Yes	No
Capricorn Blue Enterprises Pty Ltd	Yes	Yes
Degrey Civil Pty Ltd	Yes	No
East Pilbara Earthmoving ATF Moule and Paull Family Trust	Yes	Yes
Edwards Transport Trust	Yes	Yes
GS Hobbs Contracting	Yes	No
West Coast Stabilisers (Registered Entity – Roadline Holdings Pty Ltd)	Yes	Yes
Western Stabilisers	Yes	No
Youngs Earthmoving	No	Yes

The pricing schedule consisted of a list of pre-determined equipment required and essential for remote works.

The Evaluation Panel determined Tenderers compliance profile, including any assumptions and alternatives, qualitative scores attained, price schedules, and the Principals Regional Price Preference Policy. It was determined by the Evaluation Panel that it would be most advantageous to the Shire of East Pilbara to recommend all submissions be accepted. This allows for full coverage of plant and equipment covering townsite works, desert/remote roadworks and remote maintenance grading, as well as strategically placed organisations to cover any potential emergency works.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Objective

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

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

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

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

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

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

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

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

1. Managers
2. Coordinator Property Services

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

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

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

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

1. Duty Officers – Newman Aquatic Centre
2. Team Leader – Works Crew (Newman)

3. Field Officer and client Services – Martumili
4. Technical Services Administration Officer
5. RPT Bus Driver
6. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
7. Asset and Procurement Officer

Light Vehicle Purchases

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

Consultants Services

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

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

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

Light Vehicle Disposals

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

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

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

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

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

Regulatory Compliance

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

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

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION**THAT Council**

- 1. Award Tender 21-2013/2014 Provision of Wet Hire of Plant, Equipment and Personnel as per tendered schedule of rates, for the period 1st July 2014 to 30th June 2015 with an option to extend by a further 2 x 12 months or part thereof up to 30 June 2017:**

1.	Australian Civil Haulage Pty Ltd t/a ATF The Trustee for Australian Civil Haulage Unit Trust (ABN 61 021 089 221)
2.	BnJ's Earthmoving Pty Ltd (ABN 93 096 154 095)
3.	Capricorn Blue Enterprises Pty Ltd (ABN 49 111 401 677)
4.	Degrey Civil Pty Ltd (ABN 23 141 935 364)
5.	East Pilbara Earthmoving ATF Moule and Paull Family Trust (ABN 25 774 647 315)
6.	Edwards Transport Trust (ABN 91 637 441 182)
7.	G S Hobbs Contracting (ABN 61 566 344 118)
8.	West Coast Stabilisers (Registered Entity – Roadline Holdings Pty Ltd) (ABN 48 00 455 985)
9.	Western Stabilisers (ABN 74 127 926 265)
10.	Young's Earthmoving Pty Ltd (ABN 54 094 469 584)

2. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and The following contractors.

1.	Australian Civil Haulage Pty Ltd t/a ATF The Trustee for Australian Civil Haulage Unit Trust (ABN 61 021 089 221)
2.	BnJ's Earthmoving Pty Ltd (ABN 93 096 154 095)
3.	Capricorn Blue Enterprises Pty Ltd (ABN 49 111 401 677)
4.	Degrey Civil Pty Ltd (ABN 23 141 935 364)
5.	East Pilbara Earthmoving ATF Moule and Paull Family Trust (ABN 25 774 647 315)
6.	Edwards Transport Trust (ABN 91 637 441 182)
7.	G S Hobbs Contracting (ABN 61 566 344 118)
8.	West Coast Stabilisers (Registered Entity – Roadline Holdings Pty Ltd) (ABN 48 00 455 985)
9.	Western Stabilisers (ABN 74 127 926 265)
10	Young's Earthmoving Pty Ltd (ABN 54 094 469 584)

9.3.4 TENDER PRC 002/14 – PROVISION OF SCREENING AND SECURITY SERVICES AT NEWMAN AIRPORT

File Ref:	FAC 1-5
Attachments:	<u>Confidential under separate cover</u>
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Leon Burger Chief Operating Officer-Airports
Proposed Meeting Date:	27 June 2014
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider tenders for the provision of Screening and Security Services at Newman Airport in support of the shire's role as Owner/Operator and Screening Authority (SA) at this airport and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

In support of the Shire of East Pilbara application to become the Screening Authority at Newman Airport from 1 May 2014, and to ensure a seamless transition during the change in regime, Council resolved in its **Resolution 201314/108 dated 27 September 2013** that:

- **Council authorises the Chief Executive Officer to engage MSS Security through a one year service agreement at a cost of \$ 1,400,000 + GST for the provision of screening services during scheduled operating hours.**
- **Council authorises the Chief Executive Officer to engage MSS Security through a one year service agreement at an estimated cost of \$ 330,000 + GST for the provision of screening services during non-scheduled operating hours.**

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.

On 02 July 2013 the CEO's of the shires constituting the Pilbara Regional Council (PRC) agreed to a collaborative approach to acquire the screening equipment and services associated with the individual shires assuming the roles of SA following the withdrawal of Qantas as SA wef 1 May 2014. This collaborative and collective approach would ensure the following:

- Economy of scale in the tender and bargaining processes for equipment and services.
 - Economy of scale in terms of life cycle costs and service agreements.
-

- Commonality of equipment and service providers.

The PRC CEO, Mr Tony Friday, offered that the requests for tenders (RFT) for services be issued and managed through the PRC. This was agreed upon and an RFT PRC 002/14 was issued on 12 February 2014. This tender called for the provision of screening and security services based on the specified requirements of individual airports against the following milestones:

Invitation to Tender	Released 21 February 2014
Site Visit (Karratha)	9am Wednesday 12 March 2014
Site Visit (Port Hedland)	9am Thursday 13 March 2014
Site Visit (Newman)	9am Friday 14 March 2014
Tender Closing	4:00pm 21 March 2014
Evaluation	7 April 2014
Tender Award	21 April 20

COMMENTS/OPTIONS/DISCUSSIONS

Tender PRC002/14

Following the tender award by the PRC, each individual shire enters directly into supply contracts with the successful tenderer. Final respondents include:

- MSS Security
- Toll Logistics
- Patron Protective Services

Screening Services were specified in scope and procedures in compliance with the Office of Transport Security Aviation Screening Notice 2013 (ASN 2013). Each individual airport specified the extent of services required in support of their individual operations. Based on our existing operational schedules, Screening and Security Services for Newman Airport as specified in the RFT include:

- | | |
|--|------------------|
| • Passenger & Checked Bag Screening | 430.5 hours/week |
| • Delayed flight Screening | 70 hours/month |
| • Crowd Control, Kerbside and General Guarding | 168 hours/week |

The tender documentation was comprehensive in detail and included the request for tender, specifications, scope of works, conditions of contract and the tenderers' offer.

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

- Contractor’s Methodology (Services) 35%
- Previous Experience 25%
- Indigenous Participation Plan 5%
- Local Preference 5%
- Cost of Service 30%

The PRC panel completed the compliance assessments of submitted tenders for PRC002/14. Two representatives from each of the airports, Karratha, Newman, and Port Hedland, independently conducted the qualitative assessments. These assessors included:

- Karratha Mitchell Cameron
Nancy Wain
- Newman Leon Burger
Salomon Kloppers
- Port Hedland Brett Reiss
Ian McKay

The PRC subsequently aggregated all responses and scores into one ‘master’ sheet and determined both preferred and unsuccessful tenderers, and notified those parties of their statuses. The full qualitative assessment of the tender submissions is attached under a separate confidential cover.

The following table summarises the qualitative weightings that were given by the assessment panel to the short listed companies who submitted a tender:

Description	Weighting	MSS	Toll	Patron
Contractor’s Methodology	35%	24.85	24.92	0.56
Previous Experience	25%	19.17	15.17	0.00
Indigenous Participation Plan	5%	3.10	3.20	0.00
Local Preference	5%	3.70	2.70	0.20
Cost of Services	30%	24.60	19.20	6.60
TOTAL	100%	75.42	65.19	7.36

The results of the tender assessment indicates that MSS Security is the most advantageous tender to Council based on its overall highest weighted scoring, even without application of the Local Purchase Policy factor. Further advantages include the fact that:

- they have been engage as Screening Services Provider at Newman Airport by the previous Screening Authority since 2006; and
- all their staff are local Newman residents; and

- airport management has a long standing working relationship with both management and staff; and
- the shire has an existing transitional service agreement in place with MSS Security.

The schedule of screening and security include:

- An initial term of three years.
- Two optional additional terms of one year each.
- A fixed cost for the first year of the initial term as indicated below.
- An automatic annual fee adjustment on the commencement of the second and third years of the initial term.
- The annual fee adjustment will be referenced against the Australian Bureau of Statistics' CPI 6401.0 for Perth.
- Fee reviews for each of the optional additional terms will be mutually negotiated against a 100% Rise and Fall escalation to allow both parties to address specific cost drivers impacting on the service.

The costs against scope of services are (GST Incl):

• Screening Services – Standard Operating Times	\$1,501,607.80
• Screening Services – Flight Delays	\$ 354,538.80
• Security Services	<u>\$ 640,831.40</u>
Total Costs:	\$2,496,978.00

Service Agreement Transition

The cost of the current agreement for services is (GST Incl):

• Screening Services – Standard Operating Times	\$1,501,607.80
• Screening Services – Flight Delays	<u>\$ 354,520.30</u>
Total Costs:	\$1,856,128.10

The variance between these two options of **\$ 640,831.40** is essentially due to the additional crowd control, kerbside and general security services being provided. In its duty of care towards public order and safety, the shire needs to provide such security services to airport patrons, especially in view of the fact that this airport has been subject to escalating criminal activity since the last quarter of 2013.

The cost of \$ 1,856,128.10 for the provision of all screening services will be recovered from airlines at a budget neutral rate of \$ 9.23 per departing passenger, as per **Council Resolution 201314/211**. The cost of \$ 640,831.40 for crowd control, kerbside and general security services will be funded from the aviation revenue stream.

It would be beneficial to both parties if the current service agreement is surrendered in favour of the longer term agreement based on the tender submissions:

- Although not stated in the RFT, tenderers assumed a start date as baseline for costing.
- MSS Security assumed 01 July 2014 to be this date.

- Based on this they provided a predictable cost base for the first three years.
- The 1st of July coincides with the shire's budget cycles, and as such it will enhance future budgeting, and services and asset management.
- Based on this, airport management has made provision within the FY2014/15 budget for the full service costs as per the tendered option.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

The contact officer for enquiries and submissions of tenders was Mr Alexis Guillot, Deputy CEO PRC. Tenders were submitted to the:

TENDER BOX

SUPPLY AND INSTALLATION OF SCREENING EQUIPMENT AT PILBARA AIRPORTS

Pilbara Regional Council

Suite 5, 205 Bulwer Street

Perth WA 6000

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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

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

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

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

4. Deputy Chief Executive Officer
5. Director Technical & Development Services
6. Manager Technical Services – Rural (road construction and plant only)

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

3. Managers
4. Coordinator Property Services

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

3. Coordinators
4. Works Supervisor (Newman and Marble Bar)

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

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

8. Duty Officers – Newman Aquatic Centre
9. Team Leader – Works Crew (Newman)
10. Field Officer and client Services – Martumili
11. Technical Services Administration Officer
12. RPT Bus Driver

13. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
14. Asset and Procurement Officer

Light Vehicle Purchases

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

Consultants Services

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

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

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

Light Vehicle Disposals

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

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

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

5. Valuation by the auction house.
6. Valuation from a recognised source ie: red book.
7. Internet research.
8. Past sales by auction house.

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

Regulatory Compliance

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

7. An emergency situation as defined by the Local Government Act 1995;
8. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;

9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
12. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.

4.5 EXECUTION OF DOCUMENTS**Minute No: Item 9.1.3****Date: 27th June 2013****Objective**

To allow for the proper execution of documents.

Policy

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

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

FINANCIAL IMPLICATIONS

Budgetary allowance of **\$ 2,496,978.00** for full Screening and Security Services has been made within the FY 2014/15 operating budget, of which \$ 1,856,128.10 will be recovered through passenger screening fees.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accepts MSS Security for Tender PRC002/14 as preferred tenderer for the Provision of Screening and Security Services at Newman Airport for the tendered price of \$ 2,496,978.00 inclusive of GST.**
- 2. Authorises the Chief Executive Officer to enter into negotiations with MSS Security to surrender the current interim service agreement in favour of the longer term agreement providing additional Security Services.**
- 3. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and MSS Security with respect to this tender.**

9.3.5 AWARD OF TENDER - RFT 20-2013/2014 - CONSTRUCTION OF AN ARTESIAN BORE AT CAPE KERAUDREN

File Ref: LEG-13-3-20
Attachments: [Confidential under separate cover](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Warren Barker
Coordinator Building Services
Location/Address: Reserve 39135 - Cape Keraudren
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider tenders for the construction an artesian bore at Cape Keraudren and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

The Shire of East Pilbara has engaged the WALGA Procurement Consultancy Service to undertake procurement services for Request for Tender 20-2013/2014 on behalf of the Shire of East Pilbara for the appointment of a contractor for the construction of an artesian bore at Cape Keraudren.

Cape Keraudren Reserve currently utilises the bore that is on Pardoo Station.

The Waters and Rivers Commission have advised that they are aware that the Shire has been utilising the bore on Pardoo Station for Cape Keraudren, and have advised that this is not a preferred solution for water supply to Cape Keraudren. The Waters and Rivers Commission advise that this bore was refurbished as a test bore only, with Pardoo Station given permission to utilise it for stock purposes only.

Due to the fact that permission to access the bore on Pardoo Station could be withdrawn by the Station owner at any time, and the fact that the Waters and Rivers Commission have given only Pardoo Station authority to utilise the bore for stock purposes, the Shire decided to construct an artesian bore at Cape Keraudren Reserve.

The Shire will have a continuous supply of water, both potable and non potable water, for transient people staying at Cape Keraudren.

COMMENTS/OPTIONS/DISCUSSIONS

The tender was advertised in the West Australian on Saturday, 26th April, 2014. The tender was also advertised on the WALGA Tenderlink e-Tendering Portal. Closing date for the tender was 11:00am, Tuesday, 20th May, 2014.

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

- 1) Diverse Resources Group Pty Ltd
- 2) JSW Australia Pty Ltd
- 3) Western Drilling Pty Ltd

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

Experience and Capacity	Weighting	40%
Project Methodology	Weighting	40%
Local Content	Weighting	20%

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

The results of the tender assessment indicate that Western Drilling Pty Ltd is the most advantageous to Council offering local knowledge, skills and demonstrated ability in this area and at reasonable cost. Western Drilling Pty Ltd have a good local knowledge and include employees with Class 3, Class 2 and Class 3 under supervision licences. This depth and experience reduces the risk of the project to the shire.

The term of the proposed Contract is to be five (5) months, mobilising upon award of Contract, with practical completion expected to occur before the cyclone season in November 2014.

Stage 1 of this project (which this tender is for) will be to install the new bore and pipeline to the existing water tanks. Stage 2 will be to install a reverse osmosis plant which will give a supply of potable and non potable for up to 300 people.

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Objective

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

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

Capital Expenditure

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

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

Orders for Goods & Services

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

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

7. Deputy Chief Executive Officer
8. Director Technical & Development Services
9. Manager Technical Services – Rural (road construction and plant only)

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

5. Managers
6. Coordinator Property Services

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

5. Coordinators
6. Works Supervisor (Newman and Marble Bar)

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

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

15. Duty Officers – Newman Aquatic Centre
 16. Team Leader – Works Crew (Newman)
-

17. Field Officer and client Services – Martumili
18. Technical Services Administration Officer
19. RPT Bus Driver
20. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
21. Asset and Procurement Officer

Light Vehicle Purchases

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

Consultants Services

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

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

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

Light Vehicle Disposals

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

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

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

9. Valuation by the auction house.
10. Valuation from a recognised source ie: red book.
11. Internet research.
12. Past sales by auction house.

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

Regulatory Compliance

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

13. An emergency situation as defined by the Local Government Act 1995;
14. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
15. The purchase is under auction which has been authorised by Council;
16. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
17. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
18. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

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

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

4.2.2 Promote improved water management

Responsible officer: DTDS

Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. GL 139203 has a budget of \$300,000 with current expenditure of \$8,895. The current balance of this GL is \$291,105.00.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Award Tender 20-2013/2014 Construction of an Artesian Bore at Cape Keraudren to Western Drilling Pty Ltd for the tendered price of \$147,450.00 (gst ex).**
- 2. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Western Drilling Pty Ltd with respect to this tender.**