

Unconfirmed copy of Minutes of
Meeting held on 27 September 2013
subject to confirmation at meeting to be
held on 25 October 2013



SHIRE OF EAST PILBARA

These minutes were confirmed by the council
as a true and accurate record at the ordinary
council meeting held on 25 / 10 / 2013

EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Marble Bar,
10.00 AM, FRIDAY, 27 SEPTEMBER, 2013.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

| ITEM | SUBJECT | PAGE NO |
|-------|---|---------|
| 1 | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS..... | 5 |
| 2 | RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE | 5 |
| 2.1 | ATTENDANCES | 5 |
| 2.2 | APOLOGIES | 5 |
| 2.3 | LEAVE OF ABSENCE | 5 |
| 3 | RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE | 5 |
| 4 | PUBLIC QUESTION TIME | 6 |
| 4.1 | FUNDING FOR REPAIRS TO WINDMILLS IN THE DESERT (MR JACK BENNETT)..... | 6 |
| 5 | PETITIONS/DEPUTATIONS/PRESENTATIONS..... | 6 |
| 5.1 | MAIN ROADS WESTERN AUSTRALIA | 6 |
| 5.2 | NULLAGINE/IRRUNGADJI OVAL UPDATE..... | 6 |
| 6 | APPLICATIONS FOR LEAVE OF ABSENCE | 6 |
| 7 | CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING..... | 7 |
| 7.1 | CONFIRMATION OF MINUTES..... | 7 |
| 8 | MEMBERS REPORT | 7 |
| 8.1 | ITEMS FOR RECOMMENDATION | 7 |
| 8.2 | ITEMS FOR INFORMATION..... | 7 |
| 9 | OFFICER'S REPORTS | 9 |
| 9.1 | CHIEF EXECUTIVE OFFICER..... | 9 |
| 9.1.1 | CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - AUGUST 2013..... | 9 |
| 9.1.2 | FRAUD AND CORRUPTION MANAGEMENT PLAN..... | 12 |
| 9.1.3 | CAPE KERAUDREN RECREATION MANAGEMENT PLAN | 15 |
| 9.2 | DEPUTY CHIEF EXECUTIVE OFFICER | 18 |

| | | |
|------------|--|-----------|
| 9.2.1 | DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - AUGUST 2013..... | 18 |
| 9.2.2 | AFFIXING THE COMMON SEAL TO FUNDING AGREEMENT - DEPARTMENT OF TRANSPORT - CAPE KERAUDREN BOAT RAMP PLANNING..... | 21 |
| 9.2.3 | AFFIXING COMMON SEAL NEWMAN BMX CLUB..... | 24 |
| 9.2.4 | AFFIXING THE COMMON SEAL TO FUNDING AGREEMENT MARTUMILI INDIGENOUS VISUAL ARTS INDUSTRY - NATIONAL JOBS TRANSITION PACKAGE | 28 |
| 9.2.5 | AFFIXING THE COMMON SEAL TO THE NEWMAN HOUSE SUB LEASES | 30 |
| 9.2.6 | AFFIXING THE COMMON SEAL TO THE NEWMAN RECREATION MASTERPLAN CONTRACT - @LEISURE PLANNERS PTY LTD | 34 |
| 9.2.7 | PURCHASING AND TENDER PROCEDURES POLICY UPDATE | 36 |
| 9.2.8 | APPLICATION TO AMEND NAME OF REGISTERED PROPRIETOR OF LAND TITLES | 46 |
| 9.2.9 | TRANSPORT AND FREIGHT HUB PROJECT | 49 |
| 9.2.10 | CREDITORS FOR PAYMENT..... | 51 |
| 9.2.11 | VARIATION TO FEES AND CHARGES NEWMAN AQUATIC CENTRE AND BUILDING AREA..... | 54 |
| 9.3 | DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES ... | 57 |
| 9.3.1 | DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - AUGUST 2013..... | 57 |
| 9.3.2 | AFFIXING OF THE COMMON SEAL TO LEASE CONTRACT BETWEEN SHIRE OF EAST PILBARA AND AIRSERVICES AUSTRALIA..... | 61 |
| 10 | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 64 |
| 11 | NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL | 64 |
| 11.1 | MOONDOOROW COMMUNITY HOUSING PROJECT | 64 |
| 11.1.1 | MOONDOOROW COMMUNITY HOUSING PROJECT | 64 |

| | | |
|--------|---|-----------|
| 11.2 | COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2014-2016 | 67 |
| 11.2.1 | COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2014-2016 | 67 |
| 11.3 | SHIRE OF EAST PILBARA USE OF CCTV MONITORING EQUIPMENT POLICY AND CCTV STANDARD OPERATING PROCEDURES | 71 |
| 11.3.1 | SHIRE OF EAST PILBARA USE OF CCTV MONITORING EQUIPMENT POLICY AND CCTV STANDARD OPERATING PROCEDURES | 71 |
| 11.4 | MONTHLY FINANCIAL STATEMENTS JULY 2013 | 74 |
| 11.4.1 | MONTHLY FINANCIAL STATEMENTS JULY 2013..... | 74 |
| 11.5 | NULLAGINE/IRRUNGADI OVAL GRASSING PROJECT..... | 77 |
| 11.5.1 | NULLAGINE/IRRUNGADI OVAL GRASSING PROJECT | 77 |
| 11.6 | BUDGET AMENDMENT 2013-2014 | 86 |
| 11.6.1 | BUDGET AMENDMENT 2013-14 | 86 |
| 12 | CONFIDENTIAL MATTERS BEHIND CLOSED DOORS | 88 |
| 12.1 | SCREENING AUTHORITY TRANSITION – NEWMAN AIRPORT | 88 |
| 12.1.1 | SCREENING AUTHORITY TRANSITION - NEWMAN AIRPORT..... | 88 |
| 13 | GENERAL BUSINESS..... | 91 |
| 13.1 | SOLAR ALLOCATION..... | 91 |
| 13.2 | REVIEW OF EMPLOYEE A MECHANIC..... | 91 |
| 13.3 | OLD COUNCIL CHAMBERS BUILDING MARBLE BAR TURNS 50 | 91 |
| 13.4 | SUPPORT FOR MR JACK BENNETT | 91 |
| 13.5 | CAMPING AT OPHTHALMIA DAM..... | 91 |
| 13.6 | LETTER TO LOCAL PUBLICAN – LEE KERNAGHAN..... | 91 |
| 13.7 | PRC REST STOP PROGRAMME..... | 91 |
| 14 | DATE OF NEXT MEETING | 92 |

| | | |
|----|---------------|----|
| 15 | CLOSURE | 92 |
|----|---------------|----|

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:20AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Doug Stead
Cr Gerry Parsons
Cr Craig Hoyer
Cr Stephen Kiernan
Cr Kevin Danks
Cr Dean Hatwell

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

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

Mrs Sheryl Pobrica

Public Gallery

Mr Leon Van Erp
Mr Daniel Toby
Mr Richard Bairstow
Mr Gary Player
Mr Bill Adams
Mr Jack Bennett

Ngurra Kujungka
Ngurra Kujungka
Auzcorp
Mainroads WA
Mainroads WA
Marble Bar Resident

2.2 APOLOGIES

Councillor Apologies

Cr Shane Carter

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Cr Anita Grace

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 FUNDING FOR REPAIRS TO WINDMILLS IN THE DESERT (MR JACK BENNETT)

Mr Jack Bennett requested if Council could assist him in applying for funding for fixing of the water windmills in the desert. Mr Bennett travels around the desert repairing these windmills so travellers have water. Due to no funding being available to carry out these repairs, Mr Bennett has asked Council on how to apply for funding in various government departments for this project.

Mr Allen Cooper asked Mr Bennett for the information and the Council will try to help in Mr Bennett's request for funding.

Shire President Lynne Craigie thanked Mr Bennett for his question.

10:35 AM Mr Jack Bennett and Mr Rick Miller left Chambers.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 MAIN ROADS WESTERN AUSTRALIA

10:45 PM Mr Rick Miller returned to the Chambers.

Mr Gary Player, Regional Director provided an update regarding the Marble Bar Road from Newman to Marble Bar.

10:55AM Mr Jack Bennett returned to the Chambers.

The Shire President thanked Mr Player for his presentation.

11:27 AM Mr Gary Player, Mr Bill Adams, Mr Rick Miller and Cr Lang Coppin left Chambers.

11:28 AM Mr Rick Miller returned to the Chambers.

5.2 NULLAGINE/IRRUNGADJI OVAL UPDATE

Mr Leon Van Erp, Telfer /Ngurra Kujungka and Mr Daniel Toby, provided an update to Council regarding the Nullagine / Irrungadji Oval.

The Shire President Lynne Craigie thanked Mr Van Erp and Mr Toby for their update.

11:35 AM Mr Leon Van Erp and Mr Daniel Toby left the Chambers.

11:35 AM Mr Jack Bennett left the Chambers.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes August 23 2013 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/77

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT the minutes of the Ordinary Meeting of Council held on 23 August 2013, be confirmed as a true and correct record of proceedings.

**CARRIED
RECORD OF VOTE: 7 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

11:37 AM Cr Lang Coppin returned to the Chambers

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

Cr Stephen Kiernan

- Attended Community Resource Centre Marble Bar Meeting.

Cr Dean Hatwell

- Attended Community Resource Centre Marble Bar Meeting.
- Attended DAPS Training

Cr Doug Stead

- Attended DAPS Training
- Attended EPIS Meeting
- Attended Dust Meeting with BHP Billiton
- Attended Fusion Festival

Cr Gerry Parsons

- Attended a Beauty Pagan Newman Aquatic Centre
- Attended Recreation Centre Meeting
- Attended Newman Mainstreet Meeting

Cr Lang Coppin

- Attended AAA Conference in Darwin.

Cr Lynne Craigie

- Attended Citizenship Ceremony on Citizenship Day
- Attended ALGA meeting in Canberra
- Attended Special WALGA Council meeting Perth
- Attended DAPS Meeting – but declared conflict of interest.
- Attended EPIS Meeting.
- Attended NWS funding revision with DIP meeting.
- Attended Fusion Festival – Speech at Hi Vis and other events.
- Attended Radio Station meeting.
- Attended Shire President Catch up.
- Attended PRC meeting with the CEO.
- Attended meeting with Arthur Hickman

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - AUGUST 2013

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/78

MOVED: Cr Stephen Kiernan

SECONDED: Cr Gerry Parsons

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

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

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

27 SEPTEMBER, 2013

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|-----------------------------|----------------|---|--------------------|--|----------------------------------|
| 28 September 2012 | 13.5 | INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman. | CEO | Arranging a meeting with BHP Billiton – Cr Shane Carter and Cr Doug Stead had meeting with BHP Billiton, | Completed |
| 8 February 2013 | 9.1.12 | LEASE - LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF "TOWN CONSTRUCTION FLY CAMP", NEWMAN | CES | Subject to Ministerial approval of lease prices | |
| 15 March 2013 | 10.1.2 | CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW | CEO | To be completed | |
| 26 July 2013 | 13.1 | SOLAR LIGHTS WALKWAY FROM MINESITE TO TOURIST CENTRE Cr Shane Carter asked if it was possible to get solar lights for the walk/cycle path from Minesite entrance to Newman Tourist Centre. Mr Allen Cooper replied Council will need to seek funding as the solar lights around radio hill cycle/walkway were funded through the Country Local Government Fund. | CEO | Costing to be sought and ordered. | |
| 26 July 2013 | 13.2 | CAPE KERAUDREN – WATER BORE Cr Lang Coppin asked if it was possible to access the bore on Pardoo Station and if the Shire can access and seek a licence from the State Government to use this bore. Cr Allen Cooper, Chief Executive Officer to follow up. | CEO | Review of Process being undertaken | On Going |

9.1.2 FRAUD AND CORRUPTION MANAGEMENT PLAN

File Ref: ADM-6-3
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To endorse the Fraud and Corruption Management Plan for implementation.

BACKGROUND

At the June 2013 Council meeting Council resolved the following:

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/05

MOVED: Cr Doug Stead

SECONDED: Cr Gerry Parsons

THAT Council;

- 1. Receive the Corruption and Crime Commission Report on the review of the capacity of Local Government in the Pilbara to prevent, identify and deal with misconduct.*
- 2. Adopt the Fraud and Corruption Prevention Policy as detailed below.*
- 3. Develop the Fraud and Corruption Prevention Management Plan by 30th September 2013.*
- 4. Advise the Department of Local Government of these actions as a response to the Corruption and Crime Commission Report.*

*CARRIED
RECORD OF VOTE: 6 - 0*

A full copy of the item is attached for information.

The adoption of the recommendation required a Fraud and Corruption Prevention Management Plan to be developed.

This has now been completed and is attached. The plan requires additional work activities to be implemented over time and will require the allocation of additional resources ie: risk assessment profile.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

FRAUD AND CORRUPTION PREVENTION POLICY

Minute No: 9.1.4

Date: 28th June 2013

POLICY

The objectives of the Fraud and Corruption Prevention Policy are to –

- articulate that the Shire of East Pilbara is intolerant of fraud and corruption;
- prevent fraud or corruption occurring at the Shire of East Pilbara.

This policy applies to all Staff, Elected Members, and Contractors' working for the Shire as fraud and corruption control is the responsibility of everyone in or associated with the Shire.

DEFINITIONS / ABBREVIATIONS USED IN POLICY

Australian Standard 8001–2003 defines fraud as:

'dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position.'

For the purposes of this policy corruption is defined as:

"An act done with an intent to give or receive some advantage or benefit inconsistent with official duty and the rights of others. It includes bribery. "

POLICY

It is to be recognised that fraud and corruption is illegal and contrary to the organisational values of the Shire of East Pilbara. In view of this, a proactive stance is taken to ensure incidences of fraudulent or corrupt activities or behaviours do not occur. Whilst the Shire aims to foster a culture which upholds trust and honesty as part of its core values, it is acknowledged that not everyone may share those values. As such, the Shire will ensure that the effective prevention of fraud and corruption is an integral part of its operating activities.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control. The Shire encourages staff to disclose actual or suspected fraudulent or corrupt activity. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate legal remedies available

under the law will be pursued. All alleged incidences will be investigated thoroughly. Where appropriate, the Shire will protect the anonymity of those responsible for reporting the activity.

The Shire will ensure that systems and procedures are in place to prevent, detect, report and investigate incidents of fraudulent or corrupt behaviour or activities and will ensure that staff are trained in and aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

A Fraud and Corruption Prevention Plan has been developed to assist to meet the objectives of this policy by ensuring that it has thorough, up-to-date procedures in place to mitigate the risk of fraud or corruption occurring in the organisation.

The success of this policy will be determined by the staff being aware of their responsibilities in relation to fraud and corruption prevention and control, the identification, treatment and recording of fraud or corruption risks, fraud or corruption auditing and detection processes, reporting responsibilities and obligations and investigation procedures.

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Will be covered under existing financial resources.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/79

MOVED: Cr Doug Stead

SECONDED: Cr Kevin Danks

THAT Council;

- 1. endorse the Fraud and Corruption Management Plan for implementation; and**
- 2. a copy of the plan be forwarded to the Department of Local Government.**

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

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

9.1.3 CAPE KERAUDREN RECREATION MANAGEMENT PLAN

| | |
|---------------------------------------|---|
| File Ref: | A139135 |
| Attachments: | Cape Keraudren Rec Mgmt Plan.pdf Appendices 1-5.pdf Appendices 6-10.pdf Appendices 11-13 and Tables 4 and 6.pdf Map 5.pdf Maps.pdf |
| Responsible Officer: | Mr Allen Cooper Chief Executive Officer |
| Author: | Ms Dawn Brown DCEO Directorate Administration Officer |
| Proposed Meeting Date: | 27 September 2013 |
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

For Council to accept the draft Cape Keraudren Recreation Management Plan as the Cape Keraudren Recreation Management Plan without alteration, to be used as a strategic working document.

BACKGROUND

At the Council meeting held on the 26th July, 2013, council resolved to make the draft Cape Keraudren Recreation Management Plan available for public comment for a period of three weeks. (Resolution 201314/44)

The draft Cape Keraudren Recreation Management Plan was advertised for public comment via public notices in all three towns of the Shire, in the North West Telegraph newspaper and on the Shire's website. No comments were received from the general public, and no issues or concerns have been raised by senior staff of the Shire.

COMMENTS/OPTIONS/DISCUSSIONS

The Cape Keraudren Recreation Management Plan was commissioned by the Shire of East Pilbara in June 2012 to describe, review and provide advice on the recreation management of Cape Keraudren Reserve. This Plan has been compiled by Cliff Winfield & Associates.

The Cape Keraudren Recreation Management Plan:

- Records and analyses the values and recreation management issues that exist on the Reserve at this period in time;

- Compares the recreation opportunities provided at Cape Keraudren with other opportunities provided in the Region;
- Speculates on future recreation demands and trends;
- Recommends future management options based on the analysis;
- Provides procedural guidelines for current and future managers.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 *Ensure well managed and equitable provision of community infrastructure*

Responsible officer: MBA

Timing: 1-5 years

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.

4.1 Reduce the Shire's ecological footprint

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/80

MOVED: Cr Stephen Kiernan

SECONDED: Cr Craig Hoyer

THAT Council accept the draft Cape Keraudren Recreation Management Plan as the Cape Keraudren Recreation Management Plan without alteration.

CARRIED
RECORD OF VOTE: 8 - 0

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

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - AUGUST 2013

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/81

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

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

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

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

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORAT E | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|-----------------------------|----------------|--|---------------------|---|----------------------------------|
| 26 July 2013 | 13.6 | NEWMAN GYMNASTIC CLUB Cr Gerry Parsons asked why it was allowed for someone to come to Newman and remove the gymnastic gear from the Recreation Centre and take it out of Newman. Ms Sian Appleton, Deputy Chief Executive Officer to follow up. | DCEO | After consultation with the former member of the club who received the equipment, the Newman Gymnastic Club is now happy with the result. | Completed |
| 23 August 2013 | 13.1 | CCTV BACKUP Cr Gerry Parsons asked if it was possible to have a backup system for the CCTV due to power outage. Deputy Chief Executive Officer, Ms Sian Appleton replied we are looking at costing for the backup systems. | DCEO | Awaiting for consultant to review system end of September 2013 | |
| 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 | Currently quotes for windows and tinting being sourced flooring still to be assessed. | |

**9.2.2 AFFIXING THE COMMON SEAL TO FUNDING AGREEMENT -
DEPARTMENT OF TRANSPORT - CAPE KERAUDREN BOAT RAMP
PLANNING**

File Ref: FIN-4-3
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Funding Agreement for the Department of Transport, Recreational Boating Facilities Scheme Round 18 – Cape Keraudren Boat Ramp Planning grant.

BACKGROUND

The Department of Transport recently approved the Shire's Recreational Boating Facilities Scheme Round 18 funding application for \$55,327 (gst exc). The funding is to assist with the costs to complete a site investigation and design an upgrade to the Cape Keraudren boat ramp.

The total project cost will be \$73,769 (gst exc), and the Consultant undertaking the site investigation and design will include detailed engineering drawings, detailed cost estimates, recommendations for a proposed new boat ramp, an environmental impact report, a Met Ocean Study and also a boat ramp assessment.

The current boat ramp's condition is degraded and requires repair/upgrade. The existing boat ramp requires boat trailers to be driven over coral flats to allow boats to be launched and retrieved during low tidal conditions only. The proposed new boat ramp is being considered to be located on the western side of the Cape, away from any coral flats.

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

STRATEGIC COMMUNITY PLAN

Goal 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.

4.1 Reduce the Shire's ecological footprint

Goal 3 – Economic – Planned Actions

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

3.1 Business diversification and promotion

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

FINANCIAL IMPLICATION

The total project cost is \$73,769.

Funding to be received is \$55,327.

The amount of \$18,442 will be expensed from operating account 131001 (General Operating Expenses – budget of \$81,000 for 13/14)

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/82

MOVED: Cr Doug Stead

SECONDED: Cr Stephen Kiernan

THAT Council endorse the affixing of the common seal to the Funding Agreement for the Department of Transport, Recreational Boating Facilities Scheme Round 18.

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Ms Dawn Brown, DCEO Directorate Administration Officer

9.2.3 AFFIXING COMMON SEAL NEWMAN BMX CLUB

| | |
|---------------------------------------|---|
| Attachments: | East Pilbara BMX Lease map pdf North Newman Reserve pdf 2013 Project Proposal East Pilbara BMX Club pdf |
| Responsible Officer: | Ms Sian Appleton Deputy Chief Executive Officer |
| Author: | Mrs Marisa Wolfenden Coordinator Property Services |
| Location/Address: | N/A |
| Name of Applicant: | Newman BMX Club |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

To seek approval to formalise a lease agreement between the Shire of East Pilbara and the East Pilbara BMX Club for portion of Lot 702, (previously Lot 300), Reserve 41654 North Newman Reserve.

BACKGROUND

The East Pilbara BMX Club became defunct several years ago and action was taken to terminate the lease agreement between the Shire of East Pilbara and East Pilbara BMX.

The new East Pilbara BMX committee has been actively promoting Expressions of Interest in the community for participants, members and committee. The East Pilbara BMX Club has received a lot of successful feedback from the community, support from local businesses and their affiliated body to recommence BMX in the town of Newman.

The new committee has met with the Shire on several occasions to discuss the requirements of entering into a new lease agreement. Over the past few years we have received several requests from people wishing to get the East Pilbara BMX Club operational at North Newman Reserve, but due to the transient workforce, committee members have come and gone and had not been successful in obtaining any funding to get the project operational

It was requested that the club to demonstrate to the Shire's satisfaction that there was sufficient community benefit to justify the Lease and to show evidence of the Club being sustainable and viable for the duration of the term of the lease.

The East Pilbara BMX Club are compliant with the Associations Incorporated Act 1987 and have provided copies of their Certificate of Incorporation and Constitution.

At a meeting held with the East Pilbara BMX Club on Wednesday, 4th September, the club presented a report which included the following, please find attached

- Project summary

- Organisational information
- Project activities
- Community Participation
- Risk involved and avoidance strategies
- Sustainability
- Funding Options
- Project budget

To date the East Pilbara BMX Club have indicated the cost to have the Phase 1 of the organisation operational will cost \$91,674. They have been successful in obtaining \$60,000 from BHP Billiton Iron Pty Ltd pending on being successfully entering into a lease agreement, they have received \$5,000 from the Shire of East Pilbara, their current bank balance is \$13,000.

The committee are meeting with the Department of Sport and Recreation in Karratha in the next few weeks to seek additional funding. Once the club has successfully entered into a lease agreement with the Shire of East Pilbara, other businesses will donate in-kind works to the facility which will save the club money.

Phase 1 of the project is to secure the site, to construct the race track and to obtain approval from Council to store two donated Sea containers for storage facilities on the site.

Phase 2 of the project is to source funding for permanent toilet facilities and a clubroom/kiosk.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara is seeking approval to enter into a new lease agreement with the East Pilbara BMX Club for portion of Lot 702 (previously 300) of Reserve 46541 known as North Newman Reserve with the following details of the lease

- Term of the lease 5 years
- Option period of 5 years
- Maintenance is the responsibility of the Lessee for the property and buildings.
- Peppercorn, Rent
- Utilities – Lessee is responsible for all outgoing fees and charges
- Insurance – Lessee is responsible for all insurance, track, building and public liability.
- Annual Service Fee applies as per Council Fees and Charges
- Lease – No cost to Council for the preparation, documentation and registration of the lease.
- The club are to provide Council annually committee details, current public liability, and all building and track insurance documents during the term of the lease.

The prior approval of the Minister of Lands is required under the Management Order prior to any lease being entered into.

Disposal of Land, Section 3.58 of the Local Government Act 1995 requires advertising of the Shire intent to dispose of portion of Reserve 41654.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/83

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT Council

1. **Approve the lease between the Shire of East Pilbara and the East Pilbara BMX Club for portion of Lot 702 (previously 300) Reserve 45641 North Newman Reserve with the following conditions:**
 - **The lease term to be 5 years with a 5 year option.**
 - **The Lessee will be responsible for all outgoing charges, including utilities, maintenance and insurances.**
 - **There is no cost to Council for the preparation, documentation and registration of the lease.**
 - **Annual Service Fee applies as per Council Fees and Charges**
 - **Approval to affix the common seal to the lease agreement between the Shire of East Pilbara and the East Pilbara BMX Club upon approval from the Minister of Lands.**

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

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

**9.2.4 AFFIXING THE COMMON SEAL TO FUNDING AGREEMENT MARTUMILI
INDIGENOUS VISUAL ARTS INDUSTRY - NATIONAL JOBS TRANSITION
PACKAGE**

File Ref: Martumili Artists ABA-15-2-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Megan Barham
Coordinator Martumili
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Funding Agreement for Indigenous Visual Arts Industry Program for \$455,000.

BACKGROUND

Funding has been offered to Martumili Artists by Office for the Arts, Department of the Prime Minister and Cabinet through the Indigenous Visual Arts Industry Program. The funding total is \$455,000; \$155,000 to be expended in 2013-2014, \$150,000 to be expended in 2014-2015 and \$150,000 to be expended in 2015-2016.

Funding is to support Martumili Artists operations, assisting delivery of Indigenous visual arts services in the Shire of East Pilbara region.

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective:

To allow for the proper execution of documents.

Policy:

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

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/84

MOVED: Cr Doug Stead

SECONDED: Cr Gerry Parsons

THAT Council endorse the affixing of the common seal to the Funding Agreement to accept assistance for Martumili Artists to deliver high quality activities for over 100 Martu artists that balance the commercial, cultural and creative requirements of art production.

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

To be actioned by Ms Megan Braham, Coordinator Martumili

9.2.5 AFFIXING THE COMMON SEAL TO THE NEWMAN HOUSE SUB LEASES

File Ref: A417550
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Newman House Sub Leases for the following tenants:

- East Pilbara Independence Support Inc.
- Pilbara Community Legal Services Inc.
- World Vision Australia
- Newman Chamber of Commerce & Industry Inc.
- Pilbara Joblink Enterprises Inc.
- Pilbara Development Commission
- Puntukurnu Aboriginal Medical Services Aboriginal Corporation

BACKGROUND

At the council meeting held on the 8th February, 2013, council resolved to provide assistance to the Building Management Committee with the update of leases for tenants in Newman House. (Resolution 201213/285).

Following this resolution, the Shire commenced the process of arranging new sub leases for those that were due to expire.

These Sub Leases all fall under the Head Lease between the Shire of East Pilbara and the Newman House Building Management Committee.

As part of reviewing these sub leases, it was decided that the rent review would be set at a 3.5% fixed increase on each anniversary of the Commencement Date during the term of the sub lease, compounded annually.

COMMENTS/OPTIONS/DISCUSSIONS

Terms and Conditions of the sub leases are as follows:

East Pilbara Independence Support Inc:

Term: 3 years
Period: 1st July 2013 to 30th June 2016
Option to Renew: Nil
Premises leased: Unit 1 (88.7m²)
Annual Rental: \$41,688.96 gst inclusive

Pilbara Community Legal Services Inc:

Term: 3 years
Period: 1st July 2013 to 30th June 2016
Option to Renew: Nil
Premises leased: Unit 4 (47.2m²)
Annual Rental: \$22,184.04 gst inclusive

World Vision Australia:

Term: 3 years
Period: 1st July 2013 to 30th June 2016
Option to Renew: Nil
Premises leased: Units 6 and 10 (62.8m²)
Annual Rental: \$29,516.04 gst inclusive

Newman Chamber of Commerce & Industry Inc:

Term: 3 years
Period: 1st July 2013 to 30th June 2016
Option to Renew: Nil
Premises leased: Unit 7 (15.7m²)
Annual Rental: \$8,792.04 gst inclusive

Pilbara Joblink Enterprises Inc:

Term: 3 years
Period: 1st July 2013 to 30th June 2016
Option to Renew: Nil
Premises leased: Unit 9 (64.4m²)
Annual Rental: \$30,267.96 gst inclusive

Pilbara Development Commission:

Term: 3 years
Period: 1st July 2013 to 30th June 2016
Option to Renew: Nil
Premises leased: Unit 2 (10.06m²)
Annual Rental: \$5,633.64 gst inclusive

Puntukurnu Aboriginal Medical Services Aboriginal Corporation:

Term: 3 years
Period: 1st July 2013 to 30th June 2016
Option to Renew: Nil
Premises leased: Unit 5 (152.8m²)
Annual Rental: \$71,816.04 gst inclusive

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

All documents validly executed will have the common seal affixed and the 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

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/85

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT the common seal of the Shire of East Pilbara be affixed to the Newman House sub leases for:

- a) East Pilbara Independence Support Inc.
- b) Pilbara Community Legal Services Inc.
- c) World Vision Australia
- d) Newman Chamber of Commerce & Industry Inc.
- e) Pilbara Joblink Enterprises Inc.
- f) Pilbara Development Commission
- g) Puntukurnu Aboriginal Medical Services Aboriginal Corporation

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Ms Marisa Wolfenden, Coordinator Property Services.

**9.2.6 AFFIXING THE COMMON SEAL TO THE NEWMAN RECREATION
MASTERPLAN CONTRACT - @LEISURE PLANNERS PTY LTD**

File Ref: LEG-13-1-19
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
DCEO Directorate Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for @Leisure Planners Pty Ltd to develop the Newman Recreation Masterplan.

BACKGROUND

At the Council meeting held on the 24th May, 2013, council resolved to award the Tender to develop the Newman Recreation Masterplan to @Leisure Planners Pty Ltd. (Resolution 201213/387)

The Contract has been prepared, and the Consultant has now returned the signed Contract.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve or not approve the request to apply the common seal to the Contract.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

3.3 Provide adequate community infrastructure

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/86

MOVED: Cr Gerry Parsons

SECONDED: Cr Kevin Danks

THAT Council endorse the affixing of the common seal to the Newman Recreation Masterplan Contract for @Leisure Planners Pty Ltd.

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

To be actioned by Ms Dawn Brown, DECO Directorate Administration Officer

9.2.7 PURCHASING AND TENDER PROCEDURES POLICY UPDATE

File Ref: FIN 10-12
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Candice Porro
Expenditure Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:55 AM Cr Doug Stead left Chambers.

REPORT PURPOSE

The purpose of this report is to consider amendments to the Purchasing and Tender Procedures Policy to reflect the current situation.

BACKGROUND

The purchasing and Tender Procedures Policy must be updated regularly to reflect current changes and trends within the organisational structure and technology updates which has been reflected in this document.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

As per next page.

Council

Report

PURCHASING AND TENDER PROCEDURES POLICY UPDATE
PURCHASING AND TENDER PROCEDURES POLICY UPDATE
PURCHASING AND TENDER PROCEDURES POLICY UPDATE (Cont.)

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POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Minute No: Item 9.1.6
Date: 27th June 2003
5th May 2006
9.3.5 27th April 2007
9.4.1 24th July 2009
9.1.6 29th January 2010
9.2.5 11th March 2011
9.1.8 3rd February 2012
9.2.4 25th May 2012
9.2.7 28th July 2012

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

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 —will be utilised without quotes necessarily being obtained. |
| \$5,001 - \$39,999 | Under direction from the authorised supervisor, <u>the a capital</u> -purchase 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, <u>Deputy Chief Executive Officer</u> and/or <u>Director Technical and Development Services</u> <u>the Deputy Chief Executive Officer a the capital</u> -purchase order will be utilised and three written quotes shall be obtained. In obtaining |

Council

Report

PURCHASING AND TENDER PROCEDURES POLICY UPDATE
PURCHASING AND TENDER PROCEDURES POLICY UPDATE
PURCHASING AND TENDER PROCEDURES POLICY UPDATE (Cont.)

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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 ~~(with the exception of road construction)~~ 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:

- Any item budgeted as a capital item in the adopted budget;
- 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.

- Deputy Chief Executive Officer

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Council

Report

PURCHASING AND TENDER PROCEDURES POLICY UPDATE
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- Director Technical & Development Services
- Manager Technical Services – Rural (road construction and plant only)

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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:

- Managers
- 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

- Co-ordinators
- Works Supervisor (Newman & 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 the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- Field and Client Services Officer – Matumilli
- RPT Bus Driver
- Technical Services Administration Officer
- Executive Services Administration Officer (restricted to staff & councilor training/conference expenses)

Light Vehicle Purchases

The designated Fleet Officer is Council staff are 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 office'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 with a minimum of three

Council

Report

PURCHASING AND TENDER PROCEDURES POLICY UPDATE
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PURCHASING AND TENDER PROCEDURES POLICY UPDATE
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quotes being requested and a report with a recommendation to be prepared for a Council decision.

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:

- *Valuation by the auction house.*
- *Valuation from a recognised source ie: red book*
- *Internet research.*
- *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

1.2 Regulatory Compliance

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

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- An emergency situation as defined by the Local Government Act 1995;
- 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;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
- 1.1.2 Continued strong financial management
- 1.1.3 Effective business management

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/87

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

THAT Council adopt the changes to the Purchasing and Tender Procedures Policy as presented:

10.12 Purchasing and Tender Procedures

| | |
|------------|-------------------------------|
| Minute No: | Item 9.1.6 |
| Date: | 27 th June 2003 |
| | 5 th May 2006 |
| 9.3.5 | 27 th April 2007 |
| 9.4.1 | 24 th July 2009 |
| 9.1.6 | 29 th January 2010 |
| 9.2.5 | 11 March 2011 |
| 9.1.8 | 3 February 2012 |
| 9.2.4 | 25 May 2012 |
| 9.2.7 | 28 July 2012 |
| 9.2.7 | 27 September 2013 |

Responsible Officer: Chief Executive Officer and Directors

Objective

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

1.1 Purchase Procedures

The following procedures will be adhered to when purchasing items and other goods and services. 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 will be utilised without quotes necessarily being obtained. |
| \$5,001 - \$39,999 | Under direction from the authorised supervisor, a purchase 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 and/or the Deputy Chief Executive Officer 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 and Director Technical & Development Services with the exception of road construction and plant which can be signed by Manager Technical Services – Rural.

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

- . Any item budgeted as a capital item in the adopted budget;
- . 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:

- Deputy Chief Executive Officer
- Director Technical & Development Services
- 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:

- Managers
- 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

- Co-ordinators
- Works Supervisor (Newman & 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 the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- Field & Client Services Officers – Martumilli
- RPT Bus Driver
- Executive Services Administration Officer (restricted to staff & councillor training/conference expenses)

Light Vehicle Purchases

Council staff are 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, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.

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:

- Valuation by the auction house.*
- Valuation from a recognised source ie: red book*
- Internet research.*
- 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

1.2 Regulatory Compliance

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;*
- 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;*
- The purchase is under auction which has been authorised by Council;*
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;*
- Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.*

CARRIED

RECORD OF VOTE: 7 - 0

To be actioned by Ms Candice Porro, Expenditure Finance Officer

9.2.8 APPLICATION TO AMEND NAME OF REGISTERED PROPRIETOR OF LAND TITLES

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council the common seal was applied to the application to amend the name of the registered proprietor for Lots 19 & 20 Clemensen Street, Nullagine.

BACKGROUND

It has been brought to our attention that same land title are in the name of Shire of Nullagine, Nullagine Road Board and Marble Bar Road Board, as they were purchased prior to the amalgamation to the Shire of East Pilbara in 1972.

COMMENTS/OPTIONS/DISCUSSIONS

To seek approval for the Chief Executive Officer and the Shire of East Pilbara President to use Delegated Authority to apply for the transfer of the following properties into the Shire of East Pilbara name and affix the common seal;

| | | |
|--------------------------------------|-----------|------------------------|
| Lot 37 Clemensen Street, Volume 690 | Folio 46 | Nullagine Road Board |
| Lot 38 Clemensen Street, Volume 1201 | Folio 971 | Nullagine Road Board |
| Lot 18 Clemensen Street, Volume 517 | Folio 20A | Nullagine Road Board |
| Lot 9 Francis Street, Volume 1090 | Folio 211 | Marble Bar Road Board. |

STATUTORY IMPLICATIONS/REQUIREMENTS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/88

MOVED: Cr Gerry Parsons

SECONDED: Cr Craig Hoyer

Council

1. To inform Council the common seal of the Shire of East Pilbara has been applied to the application to amend the registered proprietor on the land titles of 19 and 20 Clemensen Street, Nullagine.
2. To seek Delegated Authority for the Chief Executive Officer and the Shire President to sign the application of the following land titles into the name of the Shire of East Pilbara and to apply the Shire of East Pilbara common seal.
 - a) Lot 37 Clemensen Street, Nullagine
 - b) Lot 38 Clemensen Street, Nullagine
 - c) Lot 9 Francis Street, Marble Bar
 - d) Lot 18 Clemensen Street, Nullagine

**CARRIED
RECORD OF VOTE: 7 - 0**

To be actioned by Ms Marisa Wolfenden, Coordinator Property Services.

9.2.9 TRANSPORT AND FREIGHT HUB PROJECT

File Ref: A400012
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:58 AM Cr Doug Stead returned to the Chambers

REPORT PURPOSE

For Council to endorse the business case for the development of the project known as the Transport and Freight Hub, Great Northern Highway, Newman.

BACKGROUND

At the 25th May 2012 Council meeting, Council resolved the following:

THAT Council acknowledge receipt of the correspondence from Linfox and instruct Shire staff to investigate Council's options with regards to leasing a portion of land in addition to investigating a change of purpose of the Reserved Lot 36 to an alternate purpose in order to taking action to facilitate development.

Further to Council's resolution a request was made to State Land Services regarding changing the purpose of Reserve 44774 purpose from "Parklands" to "Transport and Freight Hub". This was approved on the 14 February 2013.

COMMENTS/OPTIONS/DISCUSSIONS

As noted in the May 2012 agenda item there was an opportunity under Section 91 of the Lands Administration Act 1997, for Linfox to lease the land direct from the State Government however at this stage this option has not been pursued further. With the approval of the change of purpose to "Transport and Freight Hub", and including the provision of power to lease, Council now has the opportunity to develop this land itself.

A business case has therefore been developed for this project. A business case gives Council an opportunity to assess the development of any project further by providing the following:

1. Executive Summary
 2. Overview of the project
 3. Needs analysis
 4. Consultation
 5. Policy and Strategic Framework
 6. Financial Benefits Analysis
-

7. Due Diligence Assessment
8. Risk Assessment
9. Governance, management and legal
10. Timelines, reporting and recommendations

The business case for the Transport and Freight Hub is attached.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact at this time.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/89

MOVED: Cr Dean Hatwell

SECONDED: Cr Kevin Danks

THAT Council endorse the business case for the Transport and Freight Hub as presented and approve Officers to undertake further discussions with prospective clients ensuring all legislative requirements are observed.

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

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

9.2.10 CREDITORS FOR PAYMENT

File Ref: FIN 10-2

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 23rd August 2013.

COMMENTS/OPTIONS/DISCUSSIONS

| FUND | VOUCHER | AMOUNT |
|-------------------------|--------------------|------------------------------|
| EFT Payments | EFT20600-EFT20889 | 3,099,411.18 |
| | Total | \$3,099,411.18 |
| Cheque Payments | 22293-22308 | 121,903.78 |
| Written Cheque Payments | 92-105 | 8,508.90 |
| | Total | \$130,412.68 |
| | GRAND TOTAL | <u>\$3,229,823.86</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

92, 94

CANCELLED CHEQUES & EFTS

101

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

Reg 11

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

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

Reg 12

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$3,229,823.86

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/90

MOVED: Cr Lang Coppin

SECONDED: Cr Gerry Parsons

THAT Council endorse the payments:

| FUND | VOUCHER | AMOUNT |
|-------------------------|--------------------|------------------------------|
| EFT Payments | EFT20600-EFT20889 | 3,099,411.18 |
| | Total | \$3,099,411.18 |
| Cheque Payments | 22293-22308 | 121,903.78 |
| Written Cheque Payments | 92-105 | 8,508.90 |
| | Total | \$130,412.68 |
| | GRAND TOTAL | <u>\$3,229,823.86</u> |

CARRIED
RECORD OF VOTE: 8 - 0

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

9.2.11 VARIATION TO FEES AND CHARGES NEWMAN AQUATIC CENTRE AND BUILDING AREA

File Ref: FIN-24-1
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Candice Porro
Expenditure Finance Officer
Proposed Meeting Date: 27 September 2013
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To include price amendments to Newman Aquatic Centre and add additional fee within the Building area for the 2013/14 Fees and Charges.

BACKGROUND

2013/14 Fees and Charges were adopted by Council in August 2013. Subsequently changes have been made within the Newman Aquatic Centre and Building area.

COMMENTS/OPTIONS/DISCUSSIONS

- CPI increase to the Newman Aquatic Centre had originally been miscalculated in error.
- An administration error withheld the additional fee within the Building Fees to be sent to Council originally.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. This will result in addition revenue.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/91

MOVED: Cr Craig Hoyer

SECONDED: Cr Gerry Parsons

| | Correct Fee | Incorrect Fee | |
|---|------------------|------------------|---|
| Newman Aquatic Centre | Inclusive | Inclusive | |
| | of GST \$ | of GST \$ | |
| Child 5-16 years | 3.50 | 3.4 | |
| Concessions (HCC, Senior Card, Disability Card - MUST BE SHOWN) | 3.50 | 3.4 | |
| Children in school term classes | 3.10 | 3 | |
| Adult +16 years | 4.50 | 4.4 | |
| Hire of swimming mats/lockers | 1.50 | 1.55 | |
| Non swimming entry (special event) | 2.20 | 2.25 | |
| General Admission - for those not using water facilities, i.e bbq users, green space users, spectators (excludes adults spectating children participating in swimming lessons) | 1.80 | 1.6 | |
| 10 Multi Entry Passes | 135.00 | 138 | |
| 20 Multi Entry Passes | 255.00 | 270 | |
| 50 Multi Entry Passes | 645.00 | 648 | |
| | | | |
| <u>ADULT:</u> | | | |
| 10 Multi Entry Passes | 40.50 | 41 | |
| 20 Multi Entry Passes | 76.50 | 78 | |
| 50 Multi Entry Passes | 193.50 | 189 | |
| | | | |
| <u>CHILD: (5-16 yrs)</u> | | | |
| 10 Multi Entry Passes | 31.50 | 30 | |
| 20 Multi Entry Passes | 59.50 | 58 | |
| 50 Multi Entry Passes | 150.50 | 145 | |
| | | | |
| <u>SENIORS:</u> | | | |
| 10 Multi Entry Passes | 31.50 | 30 | |
| 20 Multi Entry Passes | 59.50 | 58 | |
| 50 Multi Entry Passes | 150.50 | 145 | |
| | | | |
| <u>SPECTATOR (non swimmer)</u> | | | |
| 10 Multi Entry Passes | 16.00 | 17 | |
| 20 Multi Entry Passes | 32.00 | 33 | |
| 50 Multi Entry Passes | 80.00 | 81 | |
| <u>Lane Hire</u> | 42.00 | - | Already in fees and charges - double up |
| Water Playground - Private Hire | 110.00 | same | changed to no lifeguard provided |
| Inflatable - Private Hire | 110.00 | same | changed to lifeguard supervision provided |
| Casual Visit - Aerobics class - Newman Aquatic Centre and/or Recreation Centre (Full-time students aged 8-16 years of age) | | | changed to the age of 16 |

| | | | |
|--|--|--|---|
| Application to Amend a Building Permit (Certified Application) | | | With amended Certificate of Design Compliance supplied by applicant - 0.09% of estimated additional construction value but not less than \$90. For applications that require Certificate of design Compliance to be amended also - 0.19% of estimated additional construction value but not less than \$180 |
|--|--|--|---|

- 1. THAT Council set the above mentioned for Newman Aquatic Centre and Building Fees.**
- 2. Impose the fees effective from 27th September 2013.**
- 3. Provide notice of the adopted fees as advertised, pursuant to section 6.19 of the Local Government Act 1995.**

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

To be actioned by Ms Candice Porro, Expenditure Finance Officer

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

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

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/92

MOVED: Cr Stephen Kiernan

SECONDED: Cr Dean Hatwell

THAT the "Status of Council Decisions" – Director Technical and Development Services for August 2013 be received.

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

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

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

27 SEPTEMBER, 2013

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|----------------------|---------|--|--------------------|---|---------------------------|
| 16 December 2011 | 13.5 | SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. | MTS-R DTDS | Gathering of information to be included on signs/plaques | In Progress |
| 28 September 2012 | 13.4 | NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road. | DTDS | Tenure of land and alignments to be investigated and feasibility assessed Align options selected. Centrelines to be pegged. | In Progress |
| 24 May 2013 | 13.5 | UPDATE LOCAL SIGNS Cr Doug Stead asked if the signs around Newman can be updated as they are deteriorating. Director Technical and Development Services to follow up. | DTDS MTS-Newman | A works request has been raised to inspect signage | In Progress |
| 28 June 2013 | 9.3.3 | EMERGENCY SERVICES REVIEW - OPTION TO TRANSFER LOCAL BUSH FIRE BRIGADES IMPACT ASSESSMENT | DDTS | DFES response received and being accessed. | In Progress |
| 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 | To be actioned once manes received from Cr Danks | In Progress |
| 23 August 2013 | 13.4 | FOOTPATH MARBLE BAR Cr Dean Hatwell has asked if the footpath from the Marble Bar Community Resource Centre to the Memorial Wall be fixed as it is cracked and lifting and is becoming a | DTDS | Works Request Created | In Progress |

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

27 SEPTEMBER, 2013

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|----------------------|---------|---|-------------|---|---------------------------|
| | | hazard. Director Technical and Development Services to follow up. | | | |
| 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. Director Technical and Development Services to follow up. | DTDS | Staff are investigating options and costing | In Progress |
| 23 August 2013 | 13.7 | ROAD TRAIN ORE TRUCKS Cr Lang Coppin asked if it was possible to write a letter to WA Main Roads and the companies as trucks are constantly breaking windows of vehicles due to no covers or incorrect covering over the loads. Director Technical and Development Services to follow up. | DTDS | Letter to be written to MRWA | In Progress |

**9.3.2 AFFIXING OF THE COMMON SEAL TO LEASE CONTRACT BETWEEN
SHIRE OF EAST PILBARA AND AIRSERVICES AUSTRALIA**

File Ref: FAC 1-2
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Leon Burger
Manager Airport Services
Location/Address: Newman Airport
Name of Applicant: Airservices Australia
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease agreement for Airservice Australia located at Newman Airport.

BACKGROUND

Shire of East Pilbara and Airservices Australia lease agreement at Lot 571 on Deposited Plan 71045 being the whole of the land comprised in Certificate of Title Volume LR3161 Folio 365. "Lease Area 5" for a term of 10 years commencing 1st September 2013.

COMMENTS/OPTIONS/DISCUSSIONS

Airservices Australia (AsA) has the regulatory responsibility to establish and operate Airport Rescue and Fire Fighting (ARFF) stations at airports with a demonstrated passenger flow of more than 350,000 per annum. This milestone was achieved at Newman Airport in September 2012. Following final negotiations with an unprepared but serviced block of land was identified that will provide direct access airside for emergency responses.

AsA is bearing all costs associated with the establishment and operation of the ARFF station. As with other AsA infrastructure that provides critical operational services or support, this land is offered to AsA at a peppercorn lease of \$1/annum.

STATUTORY IMPLICATIONS/REQUIREMENTS

43.1 Western Australia Planning Commission Consent

This Lease is made expressly subject to and is conditional upon the granting of any consent of the Western Australian Planning Commission required to be obtained under the provisions of the *Planning Development Act 2005* (WA).

POLICY IMPLICATIONS

Delegation From: Council
Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.1.2 Build a thriving and diverse economy

3.1.1 Provide support for established and emerging business bodies and local businesses

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/93

MOVED: Cr Stephen Kiernan

SECONDED: Cr Gerry Parsons

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the lease agreement between the Shire of East Pilbara and Airservices Australia at Newman Airport.

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mr Leon Burger, Manager Airport services

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

11.1 MOONDOOROW COMMUNITY HOUSING PROJECT

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/94

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT Moondoorow Community Housing Project be accepted as item 11.1.1

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

11.1.1 MOONDOOROW COMMUNITY HOUSING PROJECT

Attachments: [Moondoorow Street Offer and Acceptance.pdf](#)
[Reserve Map](#)

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

Author: **Mr Glenn Britton**
Manager Building Assets

Proposed Meeting Date: **27 September 2013**

Location/Address: **11-13 Moondoorow Street, NEWMAN**

Name of Applicant: **Nil**

Author Disclosure of Interest: **Nil**

REPORT PURPOSE

To seek Council approval to purchase Reserve 38706 and the closed portion of the Moondoorow Street road reserve, and apply the common seal of the Shire of East Pilbara to the following agreements:

1. Letter of Offer and Acceptance from Landgate for the purchase of Road Reserve and Crown Reserve.

BACKGROUND

The background information to each agreement is as follows:

1. At its meeting of 25 May 2013, Council endorsed the Moondoorow Community Housing Business Plan.
 2. The Business Plan details the Land Assembly for the site which requires:
 - a. Road closure of portion of the Moondoorow Street;
-

- b. Acquisition from Landgate of Reserve 38706 and closed portion of the Moondoorow Street for lot amalgamation;
 - c. Lot amalgamation of existing Reserve 38706, Moondoorow Street Road closure (above) and part lot 1322 on plan 214575 for new title to be issued.
3. Landgate has agreed to sell the land (under 2b. above) to the Shire conditional on;
- a. Acceptance of terms and signing the attached letter of offer and acceptance;
 - b. Payment of \$ 209,267.00 inc GST;
 - c. Survey works including road closure and lot amalgamation;
 - d. Realignment of service works including sewer/water; and
 - e. Issue of new title.

COMMENTS/OPTIONS/DISCUSSIONS

The following agreements were required to be sealed prior to the 27 September 2013 Council Meeting.

- 1. Letter of Offer and Acceptance from Landgate for the purchase of Road Reserve and Crown Reserve.

The Policy states the following:

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

Given the circumstances that have occurred, there is a requirement for a Council Resolution number to be recorded in the common seal register in accordance with the Policy, hence the need for Council to resolve to approve the application of the common seal to the above agreements.

The offer is current until the 23 July 2014 when the acquisition price will be reviewed.

Finalisation of the offer and acceptance is required in order for the Shire to progress the project and receiving Landgate's survey instructions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Nil

Authority for exercise of Delegation:
Nil.

Conditions attached to Delegation:
Nil

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 that the seal was applied.

PLAN FOR THE FUTURE OF THE DISTRICT

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.

2.4.3 *Provide relevant and affordable community services*
Responsible officer: MCW
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/95

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT Council support the purchase of Reserve 38706 and the closed portion of the Moondoorow Street by approving the application of the common seal of the Shire of East Pilbara to the following agreements:

1. Letter of Offer and Acceptance from Landgate for the purchase of Road Reserve and Crown Reserve.

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mr Glenn Britton, Manger Building Assets

11.2 COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2014-2016

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/96

MOVED: Cr Dean Hatwell

SECONDED: Cr Craig Hoyer

THAT Community Safety and Crime Prevention Plan be accepted as item 11.2.1.

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

11.2.1 COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2014-2016

| | |
|---------------------------------------|--|
| File Ref: | CSV-12-3 |
| Attachments: | <u>Shire of East Pilbara CSCP Plan 2014-2016.pdf</u> |
| Responsible Officer: | Ms Sian Appleton Deputy Chief Executive Officer |
| Author: | Ms Keesha Booth Coordinator Community Services |
| Proposed Meeting Date: | 27 September 2013 |
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

For Council to endorse the updated Community Safety and Crime Prevention Plan 2014-2016.

BACKGROUND

In 2009, the Shire of East Pilbara entered into a partnership with the Office of Crime Prevention as part of State Government initiatives for improving community safety and reducing crime. The first element in that partnering was the development of a Shire-specific *Community Safety and Crime Prevention Plan* (2009 – 2011).

The Plan identified and prioritised local community safety and crime prevention issues, and developed a series of strategies and actions to address those issues. The Plan emphasised a partnership approach to addressing key issues; whilst the Shire has a role and a responsibility in coordinating and facilitating crime prevention and community safety, a number of initiatives are necessarily driven and delivered by other agencies and groups.

COMMENTS/OPTIONS/DISCUSSIONS

The *Community Safety and Crime Prevention (CSCP) Plan 2014 – 2016* (herein referred to as “the CSCP Plan” or “the Plan”) provides a framework for the Shire of

East Pilbara to work together with key stakeholders to improve safety and assist in preventing crime over a three-year period.

The CSCP Plan:

- Promotes a whole of community response to local community safety and crime prevention concerns and to forge partnerships with the local community, police, local and State Governments, non-government organisations and businesses, by developing coordinated and preventative approaches to these issues
- Is both a strategic and practical document that provides a framework for CSCP activities across the Shire
- Includes many positive programs that are currently in place as well as a limited number of new initiatives. The time frame for each project varies according to the resources needed to commence each one.

The Plan contributes to a broader community objectives identified in the *Shire of East Pilbara Strategic Community Plan 2013 – 2022*. The *Strategic Community Plan* articulates the Shire's and its communities' vision for the future, to prioritise community aspirations and meet community needs over the next 10 years. This will inform the strategic directions the Shire takes in delivering its future planning, projects and services. The Community Safety and Crime Prevention Plan are designed to contribute to the *social* objective, identified as:

"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" (Shire of East Pilbara, 2012)

This Plan is an updated version of the 2009 – 2011 CSCP Plan. Most of the actions developed in this plan expand on existing programs and partnerships already in place in the local community.

Discussions have taken place with representatives of BHP Billiton regarding the availability of funding to produce an implementation plan based on the Community Safety and Crime Prevention Plan. This money will be available to the Shire of East Pilbara if this project is endorsed for development by Council.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

2.25 OCCUPATIONAL HEALTH AND SAFETY POLICY

4.10 VANDALISM – REWARD FOR CONVICTION

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 Promote diverse, harmonious and caring communities

Responsible officer: MCW

Timing: 1-3 years

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

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.

1.3 Engaged community

1.3.1 Increase community awareness

Responsible officer: MCW

Timing: 1 year

FINANCIAL IMPLICATIONS

There are no current resources allocated however funding for implementation plan is available through BHP Billiton and further funding may be available for the actual implementation of the plan, depending on certain criteria being met, from several sources.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/97

MOVED: Cr Stephen Kiernan

SECONDED: Cr Craig Hoyer

THAT Council

- (1) Endorse the updated Community Safety and Crime Prevention Plan 2014-2016;**
- (2) Endorse the proposed funding offer by BHP Billiton of \$50,000 to produce an implementation plan based on the Community Safety and Crime Prevention Plan.**

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

To be actioned by Ms Keesha Booth, Coordinator Community Services

**11.3 SHIRE OF EAST PILBARA USE OF CCTV MONITORING EQUIPMENT
POLICY AND CCTV STANDARD OPERATING PROCEDURES**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/98

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

**THAT the Shire of East Pilbara Use of CCTV Monitoring Equipment Policy and
CCTV Standard Operating Procedures be accepted as item 11.3.1.**

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

**11.3.1 SHIRE OF EAST PILBARA USE OF CCTV MONITORING EQUIPMENT
POLICY AND CCTV STANDARD OPERATING PROCEDURES**

Attachments: [CCTV Standard Operating Procedures](#)
[Use of CCTV Monitoring Equipment Policy](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Sian Appleton
Deputy Chief Executive Officer

Proposed Meeting Date: 27 September 2013

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

12:15 PM Mr Richard Bairstow left Chambers.

REPORT PURPOSE

For Council to endorse the Shire of East Pilbara Use of CCTV Monitoring Equipment Policy and the Shire of East Pilbara CCTV Operating Procedures.

BACKGROUND

The Shire of East Pilbara utilises fixed and portable CCTV surveillance systems throughout the Shire in public areas in order to:

- a) Deter and prevent offences against person or property;
- b) Provide a video record/evidence to events or incidents which may have occurred in the area of use;
- c) Improve the safety and amenity of residents, visitors, staff and Shire's assets within the Shire.

The objective of the Shire of East Pilbara Use of CCTV Monitoring Equipment Policy is to ensure that the highest ethical standards are practised by Authorised Officers

who operate the Shire of East Pilbara's closed circuit television monitoring equipment.

The objectives of the CCTV Standard Operating Procedures is to control all formal documents and data that will be issued by the Shire of East Pilbara, and to ensure that staff are informed about the standard operating procedures of the CCTV surveillance systems.

COMMENTS/OPTIONS/DISCUSSIONS

Included within the CCTV Standard Operating Procedures are:

- Operating Procedures
- Code of Practice
- Request by Police for Use of Surveillance Records Form

Both the CCTV Monitoring Equipment Policy and the CCTV Standard Operating Procedures will be reviewed on an annual basis.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 *Promote diverse, harmonious and caring communities*

Responsible officer: MCW

Timing: 1-3 years

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.1 *Increase community awareness*

Responsible officer: MCW

Timing: 1 year

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/99

MOVED: Cr Kevin Danks

SECONDED: Cr Doug Stead

THAT Council endorse the Shire of East Pilbara CCTV Monitoring Equipment Policy and the Shire of East Pilbara CCTV Operating Procedures.

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

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

11.4 MONTHLY FINANCIAL STATEMENTS JULY 2013

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/100

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT Monthly Financial Statements July 2013 be accepted as item 11.4.1

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

11.4.1 MONTHLY FINANCIAL STATEMENTS JULY 2013

| | |
|---------------------------------------|---|
| File Ref: | FIN-23-5 |
| Attachments: | Council Monthly Financials July 2013.pdf July 2013 Variance Report doc |
| Responsible Officer: | Ms Sian Appleton Deputy Chief Executive Officer |
| Author: | Ms Angela McDonald Manager Finance and Administration |
| Proposed Meeting Date: | 27 September 2013 |
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

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

BACKGROUND

The attached 12-page report details the financial activities of the Council for the period July 2013 of the 2013/2014 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as per attached variance report.

Due to the recent revaluation of our Property, Plant and Equipment the assets for the 2012/2013 year have not been finalised. This means that no depreciation has been calculated for the 2013/2014 year as yet.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

"The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

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

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/101

MOVED: Cr Dean Hatwell

SECONDED: Cr Doug Stead

That the monthly financial statements for the period July 2013 of the 2013/2014 financial year as presented be received.

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

To be actioned by Ms Angela McDonald, Manager Finance Services

11.5 NULLAGINE/IRRUNGADI OVAL GRASSING PROJECT

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/102

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT Nullagine/Irrungadi Oval Grassing Project be accepted as item 11.5.1

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

11.5.1 NULLAGINE/IRRUNGADI OVAL GRASSING PROJECT

File Ref: A300206

Attachments: [WDSC letter support.pdf](#)
[NULLAGINE OVAL BUSINESS CASE June 17 2013.pdf](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Rick Miller
Director Technical and Development Services

Proposed Meeting Date: 28 June 2013

Location/Address: Lot 206, R33851, Nullagine

Name of Applicant: Western Desert Sports Council Inc.

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Western Desert Sports Council Inc.(WDSC) to support the upgrading of, and development of sports facilities at the existing Nullagine Oval.

BACKGROUND

The Western Desert Sports Council Inc (recently renamed Ngurra Kujungka) have made several presentations to Council in support of this project. The following discussion paper prepared by their consultant Gae Synnott from Synnott Mulholland Management Services Pty Ltd is submitted for Council discussion.

Discussion Paper on Management Models

Description of the project

Subject to attainment of funding, the existing dirt oval next to the Irrungadji community in Nullagine will be developed to meet Department of Sport and Recreation specifications. The project includes installation of an irrigation system with independent bore, turfing works, perimeter demarcation (using large boulders), and electrical connections which will enable later installation of lighting and other site facilities. The outcome will be development of a year-round full-size all-weather surface for sports, community and cultural activities.

From the perspective of Ngurra Kujungka (NK) and the Irrungadji community, their vision for the project is that in five years' time NK will be managing the oval facility at a level that demonstrates to the Shire that NK is a credible partner, with the result that the Shire chooses to continue to be involved in the long term. To get to that point – which would be a win:win for all parties – this paper outlines the potential management options for the first five year period.

Community capacity building is at the heart of the development and operation of this facility. The Shire is not being asked to pay for the development of the facility. Rather, NK is asking for the Shire involvement through the contribution of its expertise for the first five years of operation while NK in conjunction with the Irrungadji community develops its skills to effectively manage the facility long term.

Stakeholders in the project:

- Western Desert Sports Council Inc. (recently re-named as Ngurra Kujungka)
- Irrungadji Community
- Shire of East Pilbara
- Ashburton Aboriginal Corporation

Management orders for the land

- The oval is primarily on allocated Crown land. The Department of Regional Development & Lands (RDL) determines who holds the management orders for the land. Eligible organisations to hold management orders include a State government department, Local Government, or incorporated community groups ([http://www.rdl.wa.gov.au/publications/Documents/Crown-Land-Practice-Manual-\(complete-manual\).pdf](http://www.rdl.wa.gov.au/publications/Documents/Crown-Land-Practice-Manual-(complete-manual).pdf). Section 4-8). The reserve is currently placed under the care, control and management of the Shire of East Pilbara.
- Management Orders place reserves in trust with management bodies on behalf of the public and do not constitute an interest in the land.
- Generally Management Orders should support the principle that reserves are in the public interest, are for the general benefit of the community and should preserve the communities right of access over the land (wherever possible).
- Leasing or licensing under power or authority of Management Orders must be consistent with the reserve purpose, or ancillary or beneficial to that purpose.
- Reserves under Management Orders should not be leased or licensed on a commercial basis unless the objective of the proposed lease or license is to enhance the use and enjoyment of the land for the community benefit, for example, a caravan park in a remote area or a kiosk to serve people using a recreation reserve for recreational purposes.

Recommendation: The Shire of East Pilbara continues to hold the management orders for the land. This does not need to change.

Management of the facility

All aspects of the facility's operation including operating policies, facility management and operations, financial performance and asset maintenance need to be planned. The decision to be made is who will take on ownership and management responsibility for the oval, its operation and its future development.

For this facility, the following responsibilities are envisaged:

Operating policies:

- Use of the facility including and constraints or restrictions on its use
- Restriction on consumption of alcohol
- Compliance

Facility management and operations:

- Safety
- Cleaning
- Security
- Waste management
- Preparation of facility for events
- Tree management
- Water management and infrastructure
- Pest and herbicide management

Financial performance:

- Maintaining financial records
- Undertaking accounting procedures – accounts receivable and accounts payable
- Holding the funds for maintenance
- Managing facility cash flow

Asset maintenance:

- Service agreements (MOU)
- Grass to be mowed weekly, particularly in the hot season
- Monitoring of reticulation effectiveness
- Regular checks on reticulation, condition of goalposts, need for topsoil or conditioning
- Annual application of fertiliser

For discussion: The key questions for discussion are who will 'own' the facility and how will it be managed? The Shire of East Pilbara can work within the power and authority of the Management Orders to implement whatever is decided.

Generic options for owning / managing the facility

Department of Sport & Recreation outlines a variety of management structures that are possible for recreational facilities (<http://www.dsr.wa.gov.au/managingfacilities>). These include:

1. Direct Management

The owner, usually a local government authority, employs a facility manager. The owner is responsible for all aspects of the facility's operation including operating policies, financial performance and asset maintenance.

In some cases, a management committee may be established to help with policy development and to ensure community involvement in management decisions.

2. Contract Management

The owner contracts the management of the centre to an individual manager, a community-based organisation or a facility management company.

Responsibilities of the owner and contractor are set out in a formal contract for a fixed period of time. The owner is usually responsible for major building maintenance and any loan repayments.

The contractor negotiates an operating budget and is responsible for financial performance in return for greater freedom in operating policies.

3. Lease Management

A formal lease detailing the rights and responsibilities of the owner (lessor) and the operator (lessee) is adopted.

The lessee has full property rights and is responsible for financial performance, asset maintenance and operational policies. The lessor receives an agreed rental income (or a percentage of the net surplus) but has no direct control over day-to-day management. The lease is usually set for a medium to long term.

4. Joint Management

In the case of jointly developed facilities a workable management agreement should be prepared before the facility is built. Joint management agreements should detail funding, cost-sharing, legal and access arrangements, so that responsibilities and usage rights are clear.

Management options for consideration at the Nullagine / Irrungadji facility

The options for who will own / manage the land and the facility are:

- Option 1: Ngurra Kujungka is the designated owner who will manage the asset on behalf of, and in cooperation with, the Irrungadji community from day one.
- Option 2: The Shire of East Pilbara is the designated owner who will manage the asset on behalf of, and in cooperation with, Ngurra Kujungka and the Irrungadji community.
- Option 3: The Shire of East Pilbara and Ngurra Kujungka agree to jointly own and manage the facility under the terms of a joint management agreement, in conjunction with the Irrungadji community.
- Option 4: The Shire of East Pilbara and Ngurra Kujungka agree to jointly own and manage the facility under the terms of a joint management agreement, , in conjunction with the Irrungadji community, for a defined period at the end of which ownership and management shifts fully to Ngurra Kujungka. During this defined period, the Shire of East Pilbara agrees to commit resources to provide mentoring, management and project management support until Ngurra Kujungka is fully capable of operating the facility in its own right.

Discussion of options

Ngurra Kujungka believes neither Options 1 nor 2 are worth further consideration. Option 2 would be unlikely to be considered by the Shire, and Option 1 is a high risk strategy given the current capabilities of NK.

Options 3 & 4 lie between the extreme positions of Options 1 & 2, and both propose a joint venture arrangement. A joint venture is seen as a relevant mechanism for this

project because it enables the organisations to work together for a short-term business goal, according to the input of agreed resources and expertise.

In NK's view, the resources and expertise that could be contributed are as follows:

Shire of East Pilbara

The Shire holds the management orders for the land. The Shire has significant expertise in project management, operation of public facilities, financial administration, planning, policy-making and protection of public interests. The facility would benefit from access to these areas of expertise, and the availability of such expertise provides greater incentive to the project proponent to move forward with the delivery of this social infrastructure.

Ngurra Kujungka

NK's purpose is to generate and provide opportunities for increased participation in physical activity and cultural pursuits for Martu communities across the Western Desert. The facility is central to the interests of NK. NK would drive the planning for use and operation of the facility; its strategic and operational planning would use the availability of the facility as a base; its staff (to be appointed incrementally as community-based Activity Officers) would develop programs and oversee day to day use of the facility.

Irrungadji Community

Being in close proximity, the community is best placed to take on the roles of maintenance and monitoring, and have indicated a willingness to do this with the support of the RJCP program through AAC. In particular, the women in the community can take on the role to mobilise community responsibility for this role.

Option 3 proposes a long-term JV arrangement and Option 4 proposes a JV arrangement for a defined period only.

The following issues would need to be resolved following an ***agreement in principle*** from the Shire:

- Agreeing the terms of the JV arrangement
- Demonstrating growing capability for NK to deliver its side of the arrangements
- Ensuring that community members understand their responsibilities and agree to their proposed role
- Confirmation of AAC involvement and support
- Clarification of management structure
- Clarification of risk allocations in the agreement

It is our firm belief that a public private partnership arrangement offers the best opportunity to deliver the desired outcome – a well-managed and well-utilised facility.

Case study examples

Garnduwa

Garnduwa employs 22 people in a wide variety of roles across the Kimberley. Most are situated in one of Garnduwa's four regional offices in Broome, Derby, Fitzroy Crossing and Kununurra and work directly with the remote communities within close proximity of their town and contained within their local authority boundaries.

In the towns of Derby and Fitzroy Crossing Garnduwa has a strong partnership with the Shire of Derby / West Kimberley whereby Garnduwa provides management and program delivery services for both of the towns Recreation Centres. Also in Fitzroy Crossing Garnduwa works with the Fitzroy Future Fund and the Australian Government to establish and oversee the operations of a new youth service for the town and nearby communities.

Kalbarri Golf and Bowling Club

http://www.dsr.wa.gov.au/assets/files/Facilities/Facilities_Case_Studies/case%20study%205%20-%20kalbarri%20golf.pdf

Next steps

An agreement in-principle decision from the Shire for option 3, 4, or 5 would lead to the development of a written agreement to cover the desired management arrangement. The agreement would include:

- The parties involved
- The objectives of the joint venture
- Financial contributions each will make if assets or employees are transferred to the joint venture
- Intellectual property developed by the participants in the joint venture
- Day to day management of finances, responsibilities and processes to be followed.
- Dispute resolution, how any disagreements between the parties will be resolved
- How if necessary the joint venture can be terminated.
- The use of confidentiality or non-disclosure agreements is also recommended to protect the parties when disclosing sensitive commercial secrets or confidential information.

In conclusion

Through this discussion paper, the project proponents are seeking in-principle support from the Shire for their involvement in the facility through a proposed joint venture arrangement.

COMMENTS/OPTIONS/DISCUSSIONS

The project consultant and representatives have been involved in discussions with shire officers in seeking advice and support to progress the project to a stage where it can seek funding for implementation.

Why Council should support the application:

The project is to grass the existing dirt oval at Nullagine to meet Department of Sport and Recreation specifications and create a year-round full-size all-weather surface for sports, community and cultural activities.

- This project is being proposed by the Western Desert Sports Council Inc. (Ngurra Kujungka) in conjunction with the Irrungadji community. WDSC Inc. proposes to take responsibility for the construction, maintenance and leasing of the Nullagine oval. Irrungadji community members will be trained to undertake the mowing and routine maintenance of the oval, and would undertake that work under the RJCP program under the guidance of Ashburton Aboriginal Corporation. A number of Irrungadji community members will share the role, with mentoring support from community elders.

- This capacity-building project will provide a centrally-located Western Desert venue for youth engagement and development, community health and wellbeing, reconciliation, and will provide a much-needed boost to community infrastructure and facilities in Nullagine.

What is the impact going to be on Council?

The Shire of East Pilbara will have the following role:

- Involvement in planning discussions directly with WDSC Inc. and as part of the proposed Facility Management Planning Team;
- Will continue to have management responsibility for the land, as determined by Department for Lands
- Will enter into a leasing arrangement with WDSC Inc
- Will get involved to the extent outlined in the resolution passed by Council at its June 2013 meeting.

The Council is not contributing funding to the project.

Project Assessment (p 19 of the CSRFF application)

| Criteria | Covered in these documents |
|---|---|
| Project justification | Needs Assessment Report |
| Planned approach | Management Plan Feasibility Study Report |
| Community input | Needs Assessment Report Feasibility Study Report |
| Management planning | Management Plan Asset Management Plan Memorandum of Understanding for Maintenance |
| Access and opportunity | Management Plan |
| Design | Design Study Report |
| Financial viability | Project Budget Operating forecasts |
| Co-ordination | Management Plan |
| Potential to increase physical activity | Needs Assessment Report |
| Sustainability | Management Plan Life Cycle Costing Report Memorandum of Understanding for Maintenance |

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

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

2.1.2 Encourage active lifestyles

2.1.3 Encourage high rates of participation in community activities and events

2.1.4 Support individual and community health

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/103

MOVED: Cr Craig Hoyer

SECONDED: Cr Kevin Danks

THAT Council

1. Support the closure of Doherty Street Road Reserve Nullagine for the purpose of amalgamating such land into adjoining Lot 206 and for the amalgamated reserve to be vested in the Shire of East Pilbara for the purposes of "Recreation".[Item 9.3.6 – 28 June 2013]
2. Support a lease of the amalgamated reserve to a current incorporated body (Western Desert Sports Council Inc) for the management of the oval and sporting facilities on the reserve and;
3. Subject to the availability of shire resources, shire employees will provide advice and mentoring to Western Desert Sports Council Inc or associated persons and grounds staff for the maintenance of the proposed facilities.
4. Confirms that project support is provided but, is subject to the proposed development being at no cost to Council and that Council is only obligated to maintain the reserve to its current passive standard should the facilities not be maintained by others.

CARRIED
RECORD OF VOTE: 8 - 0

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

11.6 BUDGET AMENDMENT 2013-2014

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/104

MOVED: Cr Stephen Kiernan

SECONDED: Cr Lang Coppin

THAT the Budget Amendment be accepted as item 11.6.1

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

11.6.1 BUDGET AMENDMENT 2013-14

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

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

Proposed Meeting Date: 27 September 2013

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To amend the 2013-14 budgets for Airport Housing located at 29 Newman Drive, Newman.

BACKGROUND

The 2013-14 Operational Budget, Function 12, General Ledger 121208 included the window replacement for the Shire of East Pilbara dwelling located at 29 Newman Drive, Newman.

Several quotes have been received for the replacement of windows at 29 Newman Drive, Newman with the following options

- Option 1 Replacement of all windows including flyscreens, same as current asset.
- Option 2 Replacement of all windows including crimsafe screens to all windows.

Due to the quotes received, Option 2 is the preferred option, but the inclusion of crimsafe screens are an improvement to the asset. Therefore, it is requested that Council approve the transfer of money from the Operational to Capital Budget for Function 12 – Capital works at 29 Newman Drive, Newman

COMMENTS/OPTIONS/DISCUSSIONS

If Council accepts the transfer of funds from operational to capital for Function 12– 29 Newman Drive a new Capital Ledger will need to be created.

The requested amount to be transferred is \$12,000.00.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 2 - Annual budget) 6.3. Budget for other circumstances (pg 212)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.2 Employment opportunities

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/105

MOVED: Cr Stephen Kiernan

SECONDED: Cr Lang Coppin

THAT Council

1. Approve the transfer of funds from the 2013-14 Operational Budget to Capital, Function 12 to the value of \$12,000.00.
2. Approve a new Ledger to be created for Capital – 29 Newman Drive

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

To be actioned by Ms Marisa Wolfenden, Coordinator Property Services

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

12.1 SCREENING AUTHORITY TRANSITION – NEWMAN AIRPORT

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/106

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT the Screening Authority Transition – Newman Airport be accepted as confidential item 12.1.1

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

12.1.1 SCREENING AUTHORITY TRANSITION - NEWMAN AIRPORT

File Ref: FAC 1- 5

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

**Author: Ms Helen Taulapiu
Technical Services Administration Officer**

CLOSED TO THE PUBLIC

This report is presented to Council as a confidential document under Section 89(2) of the Local Government Act 1989 on the basis that it contains details relating to A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/107

MOVED: Cr Gerry Parsons

SECONDED: Cr Dean Hatwell

THAT in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(e) a matter that if disclosed, would reveal —

(ii) information that has a commercial value to a Person.

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

REPORT PURPOSE

To seek Council approval to implement a Screening Regime Transitional Plan including awarding short term contracts {under Local Government (Functions and General) Regulations 1996; Part 4, Division 2, clause 11(2)(f)} that will facilitate timely approval of the Shire of East Pilbara being appointed as Airport Screening Authority, while maintaining existing screening services and equipment in place throughout the transition process.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/108

MOVED: Cr Doug Stead

SECONDED: Cr Dean Hatwell

THAT

- 1. Council under Local Government (Functions and General) Regulations 1996; Part 4; D2, 11 (2)(f) states that it has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier that can provide the specific services within the timelines required and taking into consideration the timelines and requirements of the Office of Transport Security Screening authority application process.**
- 2. Subject to confirmation from OTS that it will allow the leasing of screening equipment to the shire, that Council authorises the CEO to enter into lease arrangements for passenger screening equipment from Qantas for a period up to 6 months at \$4,000 + GST/month for the nominated transition period.**
- 3. 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.**
- 4. 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**

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

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201314/109

MOVED: Cr Gerry Parsons

SECONDED: Cr Kevin Danks

THAT in accordance with Section 5.23 (1) of the Local Government Act 1995 the meeting is open to members of the public.

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

13 GENERAL BUSINESS

13.1 SOLAR ALLOCATION

Cr Stephen Kiernan asked if the Shire solar allocation had been used and if there was any allocation over could it be handed back to Horizon Power for reallocation.

Ms Sian Appleton, Deputy Chief Executive to follow up.

13.2 REVIEW OF EMPLOYEE A MECHANIC

Cr Dean Hatwell requested that a review be again undertaken for the employment of a Shire mechanic versus the use of external contractors.

Mr Rick Miller, Director Technical and Development Services to follow up.

13.3 OLD COUNCIL CHAMBERS BUILDING MARBLE BAR TURNS 50

Cr Dean Hatwell said the old Council Chambers in Marble Bar opened on the 5th September 1963 by Hon L A Logan, Minister for Local Government, the building is 50 years old but the plaque is very hard to see if it was possible to give it a clean.

Mr Rick Miller, Director Technical and Development Services to follow up.

13.4 SUPPORT FOR MR JACK BENNETT

Cr Lang Coppin has asked the Council to support Mr Jack Bennett in his request for help in receiving funding as he does a great service to the community and people who travel on the desert roads.

13.5 CAMPING AT OPHTHALMIA DAM

Cr Gerry Parsons asked did Council find out if people can camp at the dam and if it can be put back on the action list.

Mr Rick Miller, Director Technical and Development Services to follow up.

13.6 LETTER TO LOCAL PUBLICAN – LEE KERNAGHAN

Cr Doug Stead asked if a letter could be written to the Iron Clad Hotel, Marble Bar thanking them for holding an amazing event celebrating 120 years birthday of the historic Iron Clad Hotel.

There were many locals from Marble Bar, the Pilbara and not so local got to see and listen to country music legend Lee Kernaghan and the Wolfe Brothers play.

13.7 PRC REST STOP PROGRAMME

Cr Lynne Craigie spoke about the Pilbara Regional Council (PRC) Programme regarding the fantastic job providing rest stops in the Pilbara and if anyone would like to look at the programme to see Lynne.

14 DATE OF NEXT MEETING

25 October 2013, Newman

15 CLOSURE

1:00 PM