



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 29 JANUARY, 2016.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Lynne Craigie
Lang Coppin OAM
Anita Grace
John Jakobson
Shane Carter
Craig Hoyer
Gerry Parsons
Jay Ahmedi
Biddy Schill
Dean Hatwell
Michael Kitchin

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mrs Sheryl Pobrica

Chief Executive Officer
Deputy Chief Executive Officer
Executive Administration Services Officer

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Mr Rick Miller

Director Technical & Development
Services

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 11 2015 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 11 December 2015, be confirmed as a true and correct record of proceedings, with the following amendment as below for item 9.1.4.

Delete the numbers 2015 and Insert 2016 for No: 1 & No: 2 in the resolution 201516/104 being;

9.1.4 2016 QUEEN'S BIRTHDAY HOLIDAY REQUEST FOR ALTERNATIVE DATES

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/104

MOVED: Cr Dean Hatwell

SECONDED: Cr Gerry Parsons

THAT the Department of Commerce, Labour Relations Division be advised of the following alternative dates for the Queen's Birthday holiday 2016.

1. Monday 4th July 2015 **2016** for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
2. Monday 22nd August 2015 **2016** for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

CARRIED
RECORD OF VOTE: 10 - 0

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2015

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Chief Executive Officer for December 2015 be received.

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

29 JANUARY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
6 March 2015	13.1	ADSL MARBLE BAR Cr Stephen Kiernan asked the Shire to continue to follow up with Telstra regarding ADSL in Marble Bar. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	To discuss options with PDC. Request for Information sent to PDC Sent again 08/09/2015	On Going
28 August 2015	13.7	ADSL MARBLE BAR Cr Stephen Kiernan asked again for the Shire to follow up on the possibility of having ADSL installed in Marble Bar. Mr Allen Cooper, Chief Executive Officer explained the situation on ADSL and requests to the Pilbara Development Commission to investigate			
23 October 2015	14.3	DUST MONITORING NEWMAN Cr Craig Hoyer asked is there difference in licence for dust monitoring in Newman from Port Hedland as lately the dust levels in Newman have risen. Mr Allen Cooper, replied letters have been written to the Department of Environmental regarding the dust levels and increase in new mine site around the township, still waiting for a reply. Mr Allen Cooper, Chief Executive Officer to follow up.	CEO	Discussions ongoing with relevant department MDS-H Meeting with BHP Billiton over the location of the dust monitor	On Going
11 December 2015	9.1.2	CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW	Shire President		In Process
11 December 2015	9.1.4	2016 QUEEN'S BIRTHDAY HOLIDAY REQUEST FOR ALTERNATIVE DATE	CEO	Letter has been sent to the Department of Commerce waiting for approval by the Governor General.	In Process
11 December 2015	9.1.5	EASTXWEST FORUM CHINA APRIL 11 – 13 APRIL 2016	CEO	Numbers have been sent to PRC	In Process

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

29 JANUARY, 2016

11 December 2015	12.3	NULLAGINE HEALTH CLINIC Cr Biddy Schill asked if a letter could be written to the Department of Health regarding the load of work, the nurses who work at the nursing post as they work 24/7 and the health issues it causes. The Pilbara are the only places for one nurse, Nursing Posts, in (Nullagine and Marble Bar). Chief Executive Officer to follow up.	CEO	To be finalised	31 January 2016
11 December 2015	12.13	NURSING POST MARBLE BAR Cr Michael Kitchen has asked if a letter could be written to the Health Department regarding the condition of the nursing post as it requires some maintenance. Chief Executive Officer to follow up.	CEO	To be finalised	31 January 2016

**9.1.2 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) TRADE EXHIBITION
AND CONVENTION 2016**

File Ref: CLR 5-2
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 determine which two members of Council, will represent the Shire of East Pilbara as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting; and which Councillors will be attending the WA Local Government Convention and Trade Exhibition 2016.

BACKGROUND

WALGA has advised that the next WA Local Government Convention and Trade Exhibition will be staged at the Perth Convention and Exhibition Centre (PCEC) on Wednesday 3rd August to Friday 5th August 2016.

2016 WA Local Government Convention & Trade Exhibition

*Starts on: Wednesday, August 03, 2016 1:00 PM
Ends on: Friday, August 05, 2016 11:45 PM*

**The 2016 WA Local Government Convention & Trade Exhibition
will be held Wednesday, 3 August - Friday, 5 August 2016
at the Perth Convention and Exhibition Centre (PCEC).**

Trade Exhibition

Information regarding the Trade Exhibition will be available from February 2016. If you would like to add your company's name to our database to receive this information by email or post once it is available, please contact Ulla Wolter, A/ Event Manager on (08) 9213 2043 or email

uwolter@walga.asn.au

For further information, please contact Ulla Wolter, A/ Event Manager on (08) 9213 2043 or email

uwolter@walga.asn.au

The format of the 2016 Convention will be similar to 2015. The 2016 WALGA Annual General Meeting (AGM) starting at 1.30pm, Wednesday 3rd August 2016, which the Shire of East Pilbara requires two voting delegates to attend.

The Local Government Convention and Trade Exhibition will commence Thursday 4th and Friday 5th August 2015.

The Annual Gala Dinner will take place on the evening of Friday 5th August 2015.

Copies of the WA Local Government Convention and Trade Exhibition program will be distributed to Councillors once it has been finalised.

In 2015, eight (8) Councillors and the Chief Executive Officer attended the event. It is also a good opportunity for Councillors to attend training sessions prior to and after the convention.

COMMENTS/OPTIONS/DISCUSSIONS

WA Local Government Convention and Trade Exhibition is also an opportunity for the Shire President and the Chief Executive Officer to meet with Ministers, Government agencies and others, if required.

Early indication of attendance allows staff to pre-book accommodation and flights at the cheapest possible rate; it also allows Councillors to book annual leave with their employer.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community
Lobbying and advocacy role

FINANCIAL IMPLICATIONS

The cost of attendance for the 2016 WA Local Government Convention and Workshop is budgeted for each year, for Councillors under account number GL# 41007 for Conference and Seminar Expenses, and for the Chief Executive Officer under account number GL# 41103 Conference and Seminar Expenses. These costs will be covered in the budget 2016/2017.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT:

- 1. The Shire President, Deputy Shire President, and all other interested Councillors, including the Chief Executive Officer to attend the WA Local Government Association (WALGA) Convention and Trade Exhibition 2016 on behalf of the Shire of East Pilbara; and**
- 2. The Deputy Shire President, Cr Lang Coppin and Cr _____ to be Council's voting delegates at the WALGA Annual General Meeting.**

**9.1.3 WAROONA AND DISTRICT FIRES APPEAL 2016 - LORD MAYORS
DISTRESS RELIEF FUND**

File Ref: CSV-9-4-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Proposed Meeting Date: 29 January 2016
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider a donation to the Lord Mayors Distress Relief Fund to the Waroona and District Fires Appeal 2016.

BACKGROUND

As Council is no doubt aware a significant fire event occurred in the South West of the state in early January 2016.

This fire caused loss of life and virtually wiped out the town of Yarloop and surrounding farm lands.

The community of Newman organised and sent a truck load of goods to the fire ravage area. A number of volunteer fire fighters from Newman also attended the fire scene to assist.

A question has been raised, is Council going to make a donation to the fire appeal considering the devastation that occurred.

COMMENTS/OPTIONS/DISCUSSIONS

Numerous disasters have occurred throughout the state including cyclones, floods, fire, drought and more. Council has to determine if this is appropriate and best use of resources.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Any financial donation could be taken from the Community Assistance Grants account, which would reduce the amount available to community groups.

Account# 81014, Budget \$60,000, Expenditure \$15,719.94,
Balance \$44,280.06.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council do/do not make a donation to the Lord Mayors Distress Relief Fund as part of the Waroona & District Fires Appeal.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- DECEMBER 2015**

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer for December 2015 be received.

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

29 JANUARY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 October 2014	13.1	SPORTING COMPLEX MARBLE BAR FIVE YEAR PLAN Cr Dean Hatwell asked if the electrical works can be included in the five year plan for the sporting complex. Ms Sian Appleton, Deputy Chief Executive Officer answered yes this will be included in the five year plan as appropriate.	CDS-Rural	CDS-Rural undertaking – after survey completed to identify priorities	March 2016
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire December 2015, and staff will be discussing the agreement with the Department of Education.	DCEO	With State Solicitors	December 2015
6 March 2015	13.9	NULLAGINE GYM Cr Biddy Schill asked if there was an alternative to the pub holding the key to the gym as people cannot use the gym while pub is closed and also people are using the gym without paying. Ms Sian Appleton said they are looking into this with different options eg: CRC Nullagine holding the key and taking payments for the use of the gym.	DCEO	Still being investigated	December 2015
11 December 2015	12.1	NULLAGINE PUBLIC TOILETS Cr Biddy Schill said the hose and tap at the back of the new public toilet block which is supposed to be used for the cleaner is being used by people to wash their vehicles etc. Is there any idea on how this can be stopped but not locked so visitors/tourist can	DCEO	Hose has been removed and MTS-Nullagine will monitor. There is an option of a vandal proof tap however this will restrict all use.	Completed

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

29 JANUARY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		access it for travelling needs? Deputy Chief Executive Officer to follow up			
11 December 2015	12.2	NULLAGINE OLD PUBLIC TOILETS Cr Biddy Schill said the old public toilet block is still open, should this be permanently closed? Deputy Chief Executive Officer to follow up.	DCEO	The toilets are now locked.	Completed
11 December 2015	12.5	NEWMAN POOL ENTRY FEE Cr Gerry Parsons asked if the pool entry fee is consistent with other Local Government pools in the Pilbara. Deputy Chief Executive Office to follow up.	DCEO	Item in the information bulletin.	Completed
11 December 2015	12.11	CHILDREN ROAMING THE STREETS Cr Craig Hoyer asked if a letter could be written to the Department of Education regarding children roaming the streets during school hours when they should be at school and what are the regulations regarding children not attending school because they do not live in this area. Deputy Chief Executive Officer to follow up.	DCEO		Completed
11 December 2015	12.12	MARBLE BAR AQUATIC CENTRE CCTV Cr Michael Kitchin asked if the Marble Bar Aquatic Centre could get CCTV especially for the toddler's pool, so when the staff member is serving at the kiosk they can still easily monitor the area. Deputy Chief Executive Officer to follow up	DCEO	Currently requesting quotes. This request will then be considered if within budgetary restraints.	In Progress

9.2.2 ACCEPTANCE ON 2014/2015 ANNUAL REPORT

Attachments: [Annual Report 2014 2015](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To present the 2014/2015 annual report to Council.

BACKGROUND

The 2014/2015 Annual Report is attached under separate cover.

COMMENTS/OPTIONS/DISCUSSIONS

Under the Local Government Act it is necessary to produce an Annual Report and to conduct an Annual Electors Meeting. The Annual Electors Meeting will be advertised in accordance with Local Government Act 1995.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 2 - Council meetings, committees and their meetings and electors' meetings) (Subdivision 4 - Electors' meetings) 5.27. Electors' general meetings (pg 145)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.53. Annual reports (pg 159)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.54. Acceptance of annual reports (pg 160)

Part 5 - Administration (Division 5 - Annual reports and planning) 5.55. Notice of annual reports (pg 160)

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council accept the 2014/2015 Annual Report as presented.

9.2.3 STRATEGIC WORKFORCE PLAN REVIEW

File Ref: STR-3-12
Attachments: [Strategic Workforce Plan Review 2015](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

Council adopted the Strategic Workforce Plan on the 24th May 2013 as part of the informing strategies for the Integrated Planning Framework.

COMMENTS/OPTIONS/DISCUSSIONS

Although the Workforce Plan suggests annual review, and this will commence from this review forward this first review is undertaken after two years per the recommendation from the Department of Local Government.

Economic conditions have changed significantly since the development of the first Strategic Workforce Plan and the review acknowledges this.

Workforce planning is seen as a continuous process of shaping the workforce to ensure that it is cable of delivering organisational objectives now and into the future.

This document informs the production of the Corporate Business Plan and Long Term Financial Plan and therefore the annual budget.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part of the State Government's Local Government Reform Initiatives.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management

Responsible officer: DCEO

Timing: 1 year

FINANCIAL IMPLICATIONS

Any additional costs will be considered in the long term financial plan and the annual budget process.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the Strategic Workforce Plan Review 2015.

9.2.4 AMENDMENT TO SHIRE FEES AND CHARGES

File Ref: FIN-24-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Simmone Van Buerle
Manager Recreation & Events
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to approve an amendment to the Shire's fees and charges to allow free entry to people holding a "Companion Card".

BACKGROUND

The Shire of East Pilbara's Disability Access and Inclusion Plan (DAIP), 2015 – 2019, is committed to the outcome that "people living with disability have the same opportunities as other people to access the services of, and events organised by, the Shire of East Pilbara".

COMMENTS/OPTIONS/DISCUSSIONS

The Companion Card program has been running in Western Australia since 2006. The Companion Card is issued to people with a significant and permanent disability who require attendant care support from a companion to participate at most venues and activities. The eligibility requirements for a Companion Card are:

- The individual lives in Western Australia
- The individual has a significant disability (may include issues related to age and psychiatric illness)
- The individual is unable to participate at community venues or activities without attendant care
- The individual's need for support is lifelong

Cardholders present their card when booking or purchasing a ticket, the participating venue will issue a second ticket for their companion at no charge. Introducing the use of the Companion Card at Shire operated venues will promote the rights of people with a disability to fair ticketing, and assist the Shire to comply with existing legislation.

The following Shire venues will display the Companion Card logo in a prominent customer service area and issue a companion ticket at no charge to cardholders who require attendant care at their venue:

- Newman Aquatic Centre
- Newman Recreation Centre
- Nullagine Recreation Centre
- Marble Bar Recreation Centre
- Marble Bar Aquatic Centre

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.

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

2.1.3 Encourage high rates of participation in community activities and events

Responsible officer: MCW

Timing: 1 year

2.1.4 Support individual and community health

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

It is expected that any cost to Council will be minimal. Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve an amendment to the Aquatic Centre fees and charges to allow free entry to people holding a "Companion Card";**
- 2. Impose the new fees effective from the 1st February 2016;**
- 3. Provide notice of the adopted fees as advertised, pursuant to Section 6.19 of the Local Government Act 1985.**

**9.2.5 AFFIX THE COMMON SEAL TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE NEWMAN CHAMBER OF COMMERCE
AND INDUSTRY AND THE SHIRE OF EAST PILBARA**

Attachments: [MOU of Understanding NCCI](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Ben Lewis
Manager Assets and Procurement
Proposed Meeting Date: 29 January 2016
Location/Address: Newman House
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek council approval to enter into a Memorandum of Understanding with the Newman Chamber of Commerce and Industry for the associated management of Newman House

Approval to affix the common seal of the Shire of East Pilbara to the MOU between the Newman Chamber of Commerce and Industry and the Shire of East Pilbara.

BACKGROUND

Council at the October 2015 ordinary meeting (resolution # 201516/32) resolved to transfer the management of Newman House from the Building Management Committee to Council.

Since then, there have been discussions with the Newman Chamber of Commerce and Industry regarding the NCCI continuing to provide management services of Newman House on behalf of the shire, in a significantly reduced capacity.

COMMENTS/OPTIONS/DISCUSSIONS

The Newman Chamber of Commerce and Industry will provide limited management services for a fee of \$1500.00 per month, which will include:

- Providing reception services
- Promoting and advertising conference facilities to NCCI Members and the broader community
- Manage all facets of conference room bookings and reporting
- Providing access to conference rooms to facilitate bookings
- Reporting building maintenance issues
- Liaising with trades people for required work
- Liaising with all tenants and reporting to the shire

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

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 year

2.4.4 Equity and opportunities for all

Responsible officer: MCW

Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve entering into the Memorandum of Understanding with Newman Chamber of Commerce and Industry commencing on 1 February 2016**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Memorandum of Understanding between the Newman Chamber of Commerce and Industry and the Shire of East Pilbara.**

9.2.6 RFT 05-2015/16 PROVISION OF AIR-CONDITIONING WORKS

File Ref:	LEG-13-5-05
Attachments:	Recommendation RFT 02-2015/2016 - Confidential
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Ben Lewis Manager Assets and Procurement
Proposed Meeting Date:	29 January 2016
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider tenders for the provision of air-conditioning works, and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

Due to the significant number of air-conditioning units attached to council's built infrastructure and the need to provide preventative maintenance, the decision was made to tender these works in order to gain value for money.

The scope of works included:

- General maintenance of the Principal's air-conditioning systems within existing buildings;
- Installation of new air conditioning systems in new buildings;
- Repair and maintenance of air-conditioning and associated mechanical services across the Shire buildings;
- Safety maintenance and testing of appliances wherein all testing is carried out in accordance with AS3666 (as amended from time to time);
- Minor alteration and relocation of air-conditioning;
- Minor new air-conditioning installation work;
- Air-conditioning inspection and condition reports as directed by the Principal.

COMMENTS/OPTIONS/DISCUSSIONS

The tender was advertised in the West Australian newspaper on Saturday, 12 December, 2015 and on the Shire's website. The tender was also advertised on the Tenderlink e-Tendering Portal.

Closing date for the tender was 10:00am on Friday, 8 January, 2016.

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

Tenderer
Transit Refrigeration and Air-conditioning Services (TRACS)
Burke Air
Customer First Contracting (CFC)

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

No.	Criteria	Weighting
1	Relevant Experience	25%
2	Skills and Experience of Key Personnel	15%
3	Methodology	5
4	Demonstrated Understanding	15%
5	Price Consideration	40%

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

The results of the tender assessment indicate that Transit Refrigeration and Air-conditioning Services (TRACS) is the most advantageous to Council, offering local knowledge, skills and demonstrated ability in this area.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES



10.12| Purchasing and Tender Procedures

Responsible Directorate	Technical and Development Services
Responsible Officer	Chief Executive Officer Deputy Chief Executive Officer Director Technical and Development Services
File Number	TCH 1-7

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.



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

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

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

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



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

1. Managers
2. Coordinator Property Services

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

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

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

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

1. Duty Officers – Newman Aquatic Centre
2. Team Leader – Works Crew (Newman)
3. Field Officer and client Services – Martumili
4. Technical Services Administration Officer
5. RPT Bus Driver
6. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
7. Asset and Procurement Officer

Light Vehicle Purchases

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

Consultants Services

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

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

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



Light Vehicle Disposals

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

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

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

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

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

Regulatory Compliance

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

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



References	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996 (as amended)</i> 		
Related Procedures	Nil		
Date Adopted by Council	27 June 2003	Item No	9.1.3
Review/Amendment Date	5 May 2006	Item No	
Review/Amendment Date	27 April 2007	Item No	9.3.5
Review/Amendment Date	24 July 2009	Item No	9.4.1
Review/Amendment Date	29 January 2010	Item No	9.1.6
Review/Amendment Date	11 March 2011	Item No	9.2.5
Review/Amendment Date	3 February 2012	Item No	9.1.8
Review/Amendment Date	25 May 2012	Item No	9.2.4
Review/Amendment Date	28 July 2012	Item No	9.2.7
Review/Amendment Date	28 June 2013	Item No	9.2.6
Review/Amendment Date	27 September 2013	Item No	9.2.7
Review/Amendment Date	6 December 2013	Item No	9.2.9
Review/Amendment Date	24 April 2014	Item No	9.2.17
Next Review			

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

Goal 3 – Economic – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Award tender 05-2015/16 to Transit Refrigeration and Air-conditioning Services (TRACS) for the provision of Air-conditioning Works.
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract between the Shire and Transit Refrigeration and Air-conditioning Services (TRACS) with respect of this tender.

9.2.7 MONTHLY FINANCIAL STATEMENTS - NOVEMBER 2015

File Ref:	FIN-23-10
Attachments:	<u>Monthly Financial Statement - Nov 2015.pdf</u> <u>November 2015 Variance Report.doc</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
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 13-page report details the financial activities of the Council for the period November 2015 of the 2015/2016 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“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

That the monthly financial statements for the period November 2015 of the 2015/2016 financial year as presented be received.

9.2.8 MONTHLY FINANCIAL STATEMENTS - DECEMBER 2015

Attachments:	December 2015 Financial Report.pdf December 2015 Variance Report.doc
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Candice Porro Senior Finance Officer
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 13-page report details the financial activities of the Council for the period 1 December 2015 to 31 December 2015 of the 2015/2016 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“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

That the monthly financial statements for the period 1 December 2015 to 31 December 2015 of the 2015/2016 financial year as presented be received.

9.2.9 CREDITORS FOR PAYMENT

File Ref: FIN10-2

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Jeanette Bessell
Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

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 11/12/15.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	# 31230 to # 31825	\$6,398,729.99
	Total	\$6,398,729.99
Cheque Payments	# 23874 to # 23938	\$250,287.54
Manual Cheque Payments	# 254 to # 257	\$28,875.73
	Total	\$279,163.27
	GRAND TOTAL	<u>\$6,677,893.26</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

CHQ #'s – 23877 and 23883

CANCELLED CHEQUES & EFTS

EFT#'s 31451, 31459, 31456, 31471, 31534, 31740 and 31819.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg 11

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

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg 12

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$6,677,893.26

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	# 31230 to # 31825	\$6398729.99
	Total	\$6,398,729.99
Cheque Payments	# 23874 to # 23938	\$250,287.54
Manual Cheque Payments	# 254 to # 257	\$28,875.73
	Total	\$279,163.27
	GRAND TOTAL	<u>\$6,677,893.26</u>

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISION - DECEMBER 2015

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Director Technical and Development Services for December 2015 be received.

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

29 JANUARY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 August 2015	13.8	CARAWINE GORGE Cr Lang Coppin asked if the Shire of East Pilbara could investigate the possibility of Carawine Gorge becoming an A Class Reserve. Mr Allen Cooper, Chief Executive Officer to follow up.	MDS-P	Meeting with Department of Lands seeking information MDS-P to contact Land Owner	Mar 2016
11 December 2015	9.3.2	CONTROLLED PARKING - RESIDENT CONCESSION CARDS	COOA	Documentation being prepared and rollout plan being developed	Jan 2016
11 December 2015	11.1.1	THREE (3) DOG APPLICATION FOR MR DAVID THOMAS - 23 KNOX WAY – EAST NEWMAN	CRES	Letter to be sent	Dec 2015
11 December 2015	12.4	STREET NAMING NEWMAN Cr Gerry Parsons stated that she was asked by Margaret McKendry if the Shire can name a road after Dr David Eckhart. Mr Allen Cooper replied if a road needs to be named then the Shire will take into consideration.	MDS-P		Mar 2016
11 December 2015	12.6	FIRE BREAKS NEWMAN Cr Jay Ahmedi said he received correspondence from Mr S Smoor regarding concern over the town's fire breaks. Mr Allen Cooper replied that the Manager Community Services will discuss the matter with Mr Smoor.	MCS	Letter to be sent advising of firebreak arrangements	Dec 2015
11 December 2015	12.8	CARAVAN & TRUCK PARKING NEWMAN Cr Jay Ahmedi, commented on the space next to the Boomerang Oval being a good place for trucks and travellers with caravans to park. Mr Rick Miller, commented that this is an area is currently under investigation.	DTDS	Lee Lane 15min signage installed & parking signs for caravans & trucks to be bought. Total town centre street signage to be reviewed	Jan 2016

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

29 JANUARY, 2016

11 December 2015	12.9	SIGNS CAPE KERAUDREN Cr Dean Hatwell asked about the signs regarding the facilities for Cape Keraudren. Mr Rick Miller replied that the signs are in the process of being approved by Main Roads WA.	MCS MAP	In Process	Jan 2016
11 December 2015	12.10	FIRE BREAKS MARBLE BAR Cr Dean Hatwell asked about fire breaks around Marble Bar. Director Technical and Development Services to follow up.	CRES	Details of breaks in area to be mapped	Feb 2016

9.3.2 PROPOSED CHANGE OF PURPOSE OF RESERVE 2906, MARBLE BAR

File Ref: A222906
Attachments: [Location of Reserve 2906 and Waste Disposal Site](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Location/Address: Marble Bar Common
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider consenting to the purpose of Reserve 2906, Marble Bar being changed from 'Common' to 'Common, Landfill and Waste Station'.

BACKGROUND

The Marble Bar waste disposal site is located on a portion of the Marble Bar Common approximately 3km along General Street from the centre of the town (see attached location plan).

Reserve 2906 was vested for the purpose of 'Common' in 1895 and currently comprises 19,750ha of land surrounding the Townsite. Over the years the reserve has been reduced in size by approximately 500ha as parcels of land have been excised and reserved for other purposes, such as explosives and Aboriginal lands. However, the waste disposal site was never excised from the Common. Recent planning for a waste transfer station at the site has identified the tenure irregularity. The Department of Lands has advised the Shire that it does not consider "landfill site" as ancillary to the purpose of "Common". This is notwithstanding that the facility has been located in the Common for a long period of time. The Department has requested Council consents to the purpose of Reserve 2906 being changed to "Common, Landfill and Waste Station" to better reflect the use to which the land is being put.

COMMENTS/OPTIONS/DISCUSSIONS

Modification of the existing management order is considered the most expedient method of regularising the tenure of the waste disposal site. An alternative option is to excise the site from Reserve 2906 and vest it as a stand-alone reserve. The following table identifies the pros and cons of both options.

Modify Reserve 2906 purpose			
Pros:	<ul style="list-style-type: none">• Procedurally straight-forward.• Allows the waste disposal facility to be expanded over time without the need to modify boundaries (subject to environmental and licensing approvals).• Does not trigger Native Title.• No survey costs.	Cons:	<ul style="list-style-type: none">• Does not provide for power to lease if the Shire wishes to lease the facility out in the future.• Changes the purpose of Reserve 2906 for the first time in over 120 years.
Create stand-alone reserve			
Pros:	<ul style="list-style-type: none">• Provides a definitive boundary for the reserve.• Allows the remainder of Reserve 2906 to remain unaffected by a change in purpose.• Would allow for a power to lease to be placed over the new reserve to allow potential leasing of the facility in the future.	Cons:	<ul style="list-style-type: none">• Will include costly surveying to identify boundaries.• Any expansion of the facility in the future may require boundaries to be adjusted.• May trigger Native Title considerations.• Will take longer to achieve.• May require creation of a road reserve along General Street to allow a new lot to be created as the road reserve currently ends at the Townsite boundary.

On balance, Shire staff believe that modifying the purpose of Reserve 2906 will achieve the objective of ensuring appropriate tenure of the waste disposal site without a significant cost or time factor. Given the nature of operation of the site, it is not considered likely that it would be leased to a third party, which would be the key benefit in separately reserving the site.

STATUTORY IMPLICATIONS/REQUIREMENTS

The process for modifying the Management Order for Reserve 2906 is governed by Part IV of the *Land Administration Act 1997*.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council advises the Department of Lands that it consents to the purpose of Reserve 2906, Marble Bar, being changed from 'Common' to 'Common, Landfill and Waste Station'.

9.3.3 PROPOSED LOCAL HOUSING STRATEGY

File Ref: PLN-3-1-1
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider whether preparation of a Local Housing Strategy is necessary given the supply and affordability issues that were being experienced have now abated.

BACKGROUND

In 2013, the Shire was successful in obtaining \$100,000 in grant funding from the Department of Planning's North-West Planning Program to prepare a Local Housing Strategy to address the supply and affordability issues that were then being experienced. Commencement of the Strategy was delayed pending finalisation of the draft Local Planning Strategy. To date, no work has been undertaken.

The Department of Planning has advised that the grant funds will need to be dispersed by 30 June 2016. This has prompted Shire staff to consider whether a Strategy would be of value in the current housing climate, taking into account the limited timeframe left to complete the project.

COMMENTS/OPTIONS/DISCUSSIONS

At the time that the grant funding was sought and obtained, the Shire was experiencing severe housing shortage and affordability issues. Both the Shire and the state government identified that a Local Housing Strategy may assist in identifying measures to address these issues. However, since 2013 the downturn in the mine construction sector, coupled with a reduction in the residential population have seen vacancy rates increase dramatically with a resultant drop in rental prices.

Given the issues triggering the need for a housing strategy have now abated, there appears to be no driving issue for a strategy to address at this time. Whilst it is possible to prepare a strategy in the current climate, it is difficult to identify what value such a document would provide. Further, preparing a document in the time remaining to expend the grant would be difficult and require significant staff resources to prepare a scope of works, engage a consultant and manage the project. It is considered more advantageous to direct this staff resource into progressing the Local Planning Strategy, given the importance of this document to the Shire's future planning direction.

Issues such as ensuring there is an adequate pipeline of land for future development can be accommodated through the Local Planning Strategy process. Other matters such as attracting residential and business investment can be accommodated without the need for a stand-alone housing strategy document.

STATUTORY IMPLICATIONS/REQUIREMENTS

A Local Housing Strategy has no statutory power in itself and its preparation as an informing document is at the discretion of Council. Not producing the document does not conflict with Council's legal obligations under the *Local Government Act 1995* or *Planning and Development Act 2005*.

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.

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

The 2015/16 Budget identifies \$100,000 of income from the grant provided by the Department of Planning, with corresponding expenditure. This income has not been received by the Shire and would not be forthcoming. However, as Council would not be expending the grant, its removal will have a nil impact on the budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT:

- 1. Council advise the Department of Planning that it no longer intends to prepare a Local Housing Strategy using North West Planning Grant funding given the changed housing supply and affordability environment now being experienced in the Shire of East Pilbara; and**
- 2. The budget is amended at the next Budget Review to take into account the removal of the Local Housing Strategy grant amount of \$100,000.**

9.3.4 REVIEW OF TOWN PLANNING DELEGATIONS

File Ref:	LEG-2-6
Attachments:	Current Delegations 4 34 4 35 and 4 41 Proposed Delegation 4 34 Administration of Town Planning Scheme No 4
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Roy Winslow Manager Development Services - Planning
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To update the various instruments of delegated authority relating to town planning.

BACKGROUND

Council has delegated certain functions relating to town planning, such as the approval of certain development applications and providing local government advice to the Western Australian Planning Commission on subdivision referrals.

There have been recent changes in the head of power used for the delegation of matters relating to the operation of Council's Town Planning Scheme No.4 that needs addressing in the suite of planning delegations. This has triggered a review of the following delegations:

- 4.34 - Development Applications;
- 4.35 - Extension of Time; and
- 4.41 - Setback Variations.

Copies of the existing delegations are attached.

COMMENTS/OPTIONS/DISCUSSIONS

The Planning and Development (Local Planning Schemes) Regulations 2015 became effective on 19 October 2015. From this date, clauses of Council's Town Planning Scheme No.4 relating to administrative matters were replaced with Deemed Provisions contained in Schedule 2 of the Regulations. Section 257B of the Planning and Development Act provides for Deemed Provisions to have effect as part of each local planning scheme, regardless of whether the Scheme was gazetted before or after the Deemed Provisions came into force.

The introduction of the Deemed Provisions on planning delegations in the Shire of East Pilbara is twofold:

1. The head of power for delegation of the powers or functions under Town Planning Scheme No.4 was changed from clause 11.3 of the Scheme to Part 10 Division 2 of the Deemed Provisions; and
2. Due to the replacement of a large number of Scheme clauses with Deemed Provisions, it is necessary to ensure the delegation refers to the correct clauses.

Existing Delegation 4.34 – Development Applications is considered quite broad and lacks specific detail on the extent of delegated authority available to the Chief Executive Officer, who can then sub-delegate to other officers. Additionally, the current delegation is limited to the granting of development approvals and does not cover other critical areas of the Scheme, such as determining the level of public advertising for an application or determining the use class to be applied for the purposes of assessment under the Scheme.

It is proposed to redraft Delegation 4.34 to act as the delegation for the administration of Town Planning Scheme No.4. Consequently, it has been expanded to explicitly list the areas of the Scheme in which delegated authority can be exercised, not just in relation to the approval of development applications. Many of the delegations listed are already undertaken by officers rather than Council. The purpose of listing each of these duties is to ensure there is clarity in the limit of delegated authority in these areas. This will allow consistent decision-making and ensure against erroneous use of delegated authority.

Whilst the proposed Delegation remains consistent with the objectives of the existing suite of delegations in the planning area, it has been expanded in a small number of key areas to ensure efficient decision-making is maintained. These areas are:

- Expansion of the delegation to allow for refusal of applications where there is no discretion available to the local government (i.e. where the use is an 'X' use).

Delegated refusal will also be available where a local planning policy provides for an application to be refused if it does not meet the requirements of the policy. Currently there are no such policies in place. However, including this delegation condition allows for the option in the future should Council consider it prudent.

- Delegating to officers the ability to determine the level of advertising necessary for an application. Whilst this is already the practice, there has not been an explicit delegation to avoid confusion.
- Amending or cancelling an existing development approval upon request of the owner of the land on which the development is to take place. The Deemed Provisions now include the explicit ability to amend plans, as well as the term and conditions of approval of approval. These matters have previously been undertaken by officers without an explicit delegation being in place.
- Delegating to officers the ability to determine the use class a proposed development is for the purposes of assessment (currently normal practice).
- Allowing for the waiving of application fees for not-for-profit organisations where the development will be for the benefit of the general community. This is currently an explicit delegation for building permit fees, but not development application fees.

A copy of the proposed delegation, re-titled *Delegation 4.34 – Administration of Town Planning Scheme No.4* is attached. In the event Council resolves to adopt proposed Delegation 4.34, current Delegations 4.34, 4.35 and 4.41 can be revoked as the topics covered by these instruments are dealt with by the proposed replacement Delegation 4.34.

STATUTORY IMPLICATIONS/REQUIREMENTS

The proposed Delegation 4.34 is to be made under Deemed Provision clause 82 *Delegations by the local government*, as follows:

- (1) *The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.*
- (2) *A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.*
- (3) *The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.*

In the event that Council delegates to the CEO the powers and duties recommended in the proposed Delegation, the CEO will then be in a position to sub-delegate any or all of these powers and duties to any other employee of the local government under clause 83 of the Deemed Provisions. It is proposed that all powers and duties contained in proposed Delegation 4.34 will be sub-delegated to Manager Development Services – Planning and Manager Development Services – Building.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

1. In accordance with schedule 2, clause 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, delegates to the Chief Executive Officer the exercise of the powers and discharge of the duties under Shire of East Pilbara Town Planning Scheme No.4 as outlined in Delegation 4.34 – *Administration of Town Planning Scheme No.4*; and
2. In accordance with section 5.45(b) of the *Local Government Act 1995*, revokes the following Delegations:
 - a) 4.34 – Development Applications;
 - b) 4.35 - Development Applications – Extensions of Time; and
 - c) 4.41 - Setback Variations.

**9.3.5 PILBARA REGIONAL COUNCIL - REGIONAL GREEN WASTE
PROCESSING CONTRACT**

Attachments: [PRC Greenwaste Confidential](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Ms Helen Taulapiu
Technical Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the PRC entering into the proposed regional green waste contract on behalf of member Councils, and commit to financially support the contract through reimbursing the PRC for works that occur at the relevant member Councils site.

BACKGROUND

At the Ordinary Council meeting held on the 28 August 2015, it was resolved:

“THAT Council

1. NOTE and SUPPORT the Pilbara Regional Council proposal to proceed to a Selection Tender process following the Expression of Interest evaluation outcome for a Regional Waste Processing contract ; and

2. REPORT the outcomes to Council for Consideration, following the tender evaluation.”

Expressions of Interest (EOI) arose from a PRC Steering Committee formed to discuss a shared pool of regional equipment. The Committee identified green waste processing as a service that was required across the Pilbara. It was determined that a regional services arrangement would deliver a more cost effective outcome than purchasing a shared asset for the works. In June 2015, the PRC issued an EOI to the market with respect to a regional green waste processing contract. Nine (9) submissions were received during that period and these were evaluated by a panel comprising of waste management staff from the PRC Member Councils and a PRC representative with a view to shortlisting suitable proponents for a Tender process.

A Public Tender was subsequently called in October 2015 with five (5) submissions received during the tender period. Following an evaluation of the tender submissions by the panel of waste management staff from PRC Member Councils, a preferred respondent was nominated. The PRC are in the process of managing contract negotiations with the preferred respondent on the basis of the estimated green waste volume amounts, detailed in the table below.

The Pilbara Local Government Members accept approximately 43,555 cubic metres of raw green waste annually for disposal. The table below shows the estimated volume amounts (cm³) of “raw/unprocessed” green waste disposed of across the Pilbara region.

Local Government Authority (LGA)	Waste Management Facility (WMF)	Raw Green Waste Estimate (cubic metres - m3)
City of Karratha	7 Mile Waste Facility & Transfer Station	23,335
Town of Port Hedland	South Hedland Landfill Facility	9,350
Shire of East Pilbara	Newman Refuse Site	3,570
Shire of Ashburton	Tom Price Waste Disposal Site	4,965
	Paraburdoo Waste Disposal Site	1,435
	Onslow Waste Transfer Station	900
Total		43,555

The key objective of the procurement was to identify suitable contractors to provide mulching services for green waste currently disposed at Waste Management Facilities, operated by PRC Member Councils. The benefits of providing such a service include:

- Providing a product suitable for use by the general public and in Council parks and gardens;
- Reducing waste to landfill in accordance with the WA Waste Strategy;
- Reducing landfill emissions and leachate production; and
- Promoting sustainability within the community.

The general requirements of the procurement were as follows:

- Stockpiled green waste is to be processed by the Contractor on-site at the various Waste Management Facilities (WMFs);
- Large items not able to be mulched are to be set aside and disposed of to landfill;
- Finished product to be stockpiled into windrows of uniform width and height;
- Final mulched product to be fit for purpose for use by the Parks Departments of the Member LGAs and potentially for distribution to the general public; and
- Contractor to visit each WMF and mulch all stockpiled green waste at a quarterly minimum.

COMMENTS/OPTIONS/DISCUSSIONS

The contract negotiations are currently being finalised in consultation with the green waste processing panel members. Under this arrangement, it is proposed that the PRC will enter into contract with the preferred respondent on behalf of the four Local Government Members and perform the central contract management functions and manage the service levels in consultation with the various Waste Management facility representatives.

Options:

- Option 1: As per Officer's recommendation.
- Option 2: That Council by simple Majority resolves to AGREE to NOT PARTICIPATE in the regional contract for green waste management.

A more recent survey indicates that the shire will have about 5,000m³ of greenwaste to process from the Newman tip which will result in about 2,500m³ of usable mulch at an approximate total cost to the shire of about \$17,000 ex GST at the preferred shredded size of 50mm mulch. Final costings may be slightly impacted depending on totals from all Councils but would not be expected to vary by \$1/m³. Other opportunities will also be discussed with the contractor on processing of timber pallets and concrete rubble.

Similar resolutions will be adopted by other member Councils to allow the contract to be finalised.

STATUTORY IMPLICATIONS/REQUIREMENTS

The PRC is a Statutory Local Government Authority and the proposed RFT will be in accordance with Section 3.57 of the Local Government Act 1995 and Regulation 11 of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

The tender has been managed in accordance with the PRC Policy PO-012 - Purchasing.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

Goal 4 – Environmental – Planned Actions

- 4.1.2 Promote recycling
Responsible officer: DTDS
Timing: 1-3 years

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

- 4.2 Promote a sustainable environment

- 4.2.1 Cultivate clean green towns
Responsible officer: MCW
Timing 1 year

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Due to the low cost of the works they will be costed against relevant operational accounts.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. NOTE and SUPPORT the Pilbara Regional Council entering into contract with the preferred respondent;**
- 2. DIRECT officers to work with the Pilbara Regional Council to finalise agreed tonnage and mulch grade; and**
- 3. AUTHORISE the ALLOCATION of budgeted funds necessary to financially support the Council's portion of the contractual engagement based on recommended tonnage and relevant mix of mulch grade.**

**9.3.6 TENDER RFT 02-2015/2016 ESTABLISHMENT OF FRESH WATER BORE
WITH ASSOCIATED INFRASTRUCTURE AT NEWMAN AIRPORT**

File Ref: FAC1-1

Attachments: [Recommendation RFT 02-2015/2016](#)
[Confidential](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Salomon Kloppers
Manager Development Airports

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is to consider the submission of tenders for the establishment of a fresh water bore and associated infrastructure at Newman Airport and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract for the successful tenderer.

BACKGROUND

Newman Airport is located about 8 kilometres south east of Newman town and just south east of the Great Northern Highway within Crown Reserve 44775; it is operated by the Shire of East Pilbara and not connected to the Newman Town water supply.

A Transport and Freight Hub is proposed for the area across the highway, within Crown Reserve 44774. The Shire of East Pilbara (the Shire) requires a water supply of about 30 KL/day for use at the Newman Airport precinct. This includes future requirements.

A peak supply of 400 KL/day would be required during construction of the proposed Transport Hub, and for future expansions of the Airport.

The drilling ("the Works") will be undertaken in Target Areas 1, 2 & 3 ("the Site as per Appendix 1") within Crown Reserve 44774 and Crown Reserve 44775 (Figure 1 in appendix 1).

The purpose of the Request for Tender (RFT) is to seek the services of a suitably qualified company to establish lump sum pricing to provide the Shire with a production water bore to meet current and future needs.

The Shire has been issued a Licence to Construct or Alter Well CAW181290(1) by the Department of Water.

The Shire appointed and liaised with "JDA Consulting hydrologist" to establish the most suitable locations for the exploratory drilling.

The drilling contract makes provision for the following:

- Drilling up to eight exploratory holes, depending on results (intersecting with a suitable water supply);
- Two of the successful exploration bores will be completed as production bores;
- Test pumping of two test production bores will be undertaken;
- Two monitoring bores will be constructed;
- The bore will be completed with minor infrastructure to ensure it is safe and secure.

Tentatively drilling will be started during late February or March, weather permitting. The process is likely to take just more than a month.

The request for tenders was advertised in the West Australian Newspaper on 8 December 2015 and uploaded to Tenderlink Portal and advertised on the Shire website to ensure maximum coverage.

Tenders closed at 2pm, Wednesday 6th of January 2016. At the closing of tenders seven (7) tender submissions had been received as per table and in no particular order.

Tenderer	ABN	Address
Acqua Drill Resources Trust	35 361 557 759	9 Corvette Road Bullsbrook WA 6084
Austral Drilling Services Pty Ltd	88 085 223 490	16 Boulder Road Malaga WA 6090
Delmoss Nominees Pty Ltd trading as Welldrill	15 050 634 547	16 Jessie Lee Street Henderson WA 6166
Drill-Mac Pty Ltd trading as J&S Drilling	57 062 566 036	253 Wattleup Road Wattleup WA 6166
JSW Australia	22 125 989 791	5 Corokia Way Bibra Lake WA 6163
Orbit Drilling Pty Ltd	36 078 788 735	67 Mather Drive Nerabup WA 6031
Western Drilling Pty Ltd	43 068 692 473	211 Barrington Street Bibra Lake WA 6163

The Tenders were assessed by the Evaluation Panel which included the Manager Development Airports, Chief Operating Officer Airports, and a Hydrogeological Engineer from JDA Consultant Hydrogeologists.

Tender submission documents is included in a confidential attachment as information submitted are commercial in confidence.

COMMENTS/OPTIONS/DISCUSSIONS

The tender document contained a price schedule requiring the tenderer to list itemised prices. Respondents were also required to provide detailed information about how (method, equipment and techniques) they propose to establish the infrastructure.

Considering the detail and comments on each submission as contained in the confidential attachment it is recommended that the tender be awarded to and a contract be agreed on the terms of the tender with Austral Drilling Services Pty Ltd.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

10.12 PURCHASING AND TENDER PROCEDURES

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$149,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and

	three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$150,000. If the purchase is in excess of \$150,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

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

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

1. Managers
2. Coordinator Property Services

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

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

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

Other officer's in line with relevant procedures will have authority to authorise purchases to the value of \$2,000.

Light Vehicle Purchases

The designated Fleet Officer is authorized to purchase light vehicles under \$150,000 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 \$150,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$150,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$150,000) is by public auction.

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

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

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

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

Regulatory Compliance

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

7. An emergency situation as defined by the Local Government Act 1995;
8. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
12. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.
13. The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.
14. The goods or services are obtained through an Australian Disability Enterprise.

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

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

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Account 129402 (Capital Services – Water) has been set aside for this and other purposes with a total budget amount of \$825,000.00.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Award Tender 02-201516 Establishment of fresh water bore and associated infrastructure to Austral Drilling Services Pty Ltd for the amount of \$191,458.30 inclusive of GST.**
- 2. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Austral Drilling Services Pty Ltd with respect to this Tender.**

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
11 March 2016, Marble Bar
- 15 CLOSURE**