

Unconfirmed copy of Minutes of
Meeting held on 30 January 2015
subject to confirmation at meeting to be
held on 6 March 2015

SHIRE OF EAST PILBARA

These minutes were confirmed by the council
as a true and accurate record at the ordinary
council meeting held on 6 / 3 / 2015



Braigie

EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 30 JANUARY, 2015.

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

The Chairman declared the meeting open at 10:09 AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin OAM
Cr Anita Grace
Cr Craig Hoyer
Cr Shane Carter
Cr Kevin Danks
Cr Dean Hatwell
Cr Biddy Schill

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Sheryl Pobrica

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

Public Gallery

Mr Michael Klvac
Ms Mikayla Banks

BC Iron Limited
BC Iron Limited

2.2 APOLOGIES

Councillor Apologies

Cr Gerry Parsons
Cr Stephen Kiernan

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Cr Doug Stead

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 BC IRON LIMITED – IOH IRON VALLEY PROJECT

Ms Mikayla Banks, Heritage Manager, and Mr Michael Klvac, Manager – Approvals, provided Council with an update regarding the IOH- Iron Valley Project.

10:44 AM Ms Mikayla Banks and Mr Michael Klvac left Chambers.

10:44 AM Cr Anita Grace left Chambers.

10:44 AM Cr Dean Hatwell left Chambers.

5.2 YOUTH JUSTICE SERVICES – PRESENTATION POSTPONED

Mr Ray Wiley, Regional Manager, Pilbara Regional Youth Services postponed the presentation to council and will reschedule at a later date.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes December 12 2014 Council.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/138

MOVED: Cr Shane Carter

SECONDED: Cr Biddy Schill

THAT the minutes of the Ordinary Meeting of Council held on 12 December 2014, be confirmed as a true and correct record of proceedings.

**CARRIED
RECORD OF VOTE: 6 - 0**

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

7.2 PILBARA REGIONAL COUNCIL MINUTES

[PRC Council Minutes 01.12.2014.DOCX](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415

MOVED: Cr Craig Hoyer

SECONDED: Cr Lang Coppin

THAT the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 1st December 2014, be received.

**CARRIED
RECORD OF VOTE: 6 - 0**

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

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

Nil

8.2 ITEMS FOR INFORMATION

10:47 AM Cr Dean Hatwell returned to the Chambers

10:48 AM Cr Anita Grace returned to the Chambers

Cr Craig Hoyer attended:

- o Shire Christmas Party

Cr Dean Hatwell attended:

- o Shire Christmas Party
- o Shire Christmas Party Marble Bar
- o Marble Bar Race Club Meeting
- o Marble Bar Tourist Association
- o Marble Bar Australia Day Celebration

Cr Kevin Danks attended:

- o Shire Christmas Party
- o Shire Christmas Party Marble Bar
- o Marble Bar Race Club Meeting
- o Marble Bar Tourist Association
- o Marble Bar Australia Day Celebration

Cr Lang Coppin attended:

- o Shire Christmas Party
- o Shire Christmas Party Marble Bar

Cr Shane Carter attended:

- o Shire Christmas Party

Cr Biddy Schill attended:

- o Shire Christmas Party
- o Nullagine Australia Day Celebration

Cr Anita Grace attended:

- o Shire Christmas Party
- o Newman Australia Day Celebration
- o Newman Women's Shelter Meeting

Cr Lynne Craigie attended:

- o Shire Christmas Party
- o Newman Lighting of the Christmas Tree and Carols
- o Newman Australia Day Celebration
- o WALGA Christmas stakeholder function
- o EPIS Meetings x 2
- o Newman Women's Shelter Meeting
- o Meeting with the Newman Swimming Club
- o Meeting with Delta FM
- o Meeting with Shopping Centre Owners
- o Meeting with BHP Billiton
- o Newman Visitors Centre Meeting

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - DECEMBER 2014

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

Cr Lynne Craigie vacated the Chair
Cr Lang Coppin assumed the Chair
10:56 AM Cr Lynne Craigie left Chambers.
10:58 AM Cr Lynne Craigie returned to the Chambers
Cr Lang Coppin vacated the Chair
Cr Lynne Craigie assumed the Chair

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: 201415/139

MOVED: Cr Lang Coppin

SECONDED: Cr Craig Hoyer

THAT the "Status of Council Decisions" – Chief Executive Officer for December 2014 be received.

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

To be actioned by Mr Allen Cooper, Chief Executive Officer

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
26 September 2014	9.1.5	EIGHT YEAR WARD AND REPRESENTATION REVIEW	CEO	UHY Engaged to undertake review – Advertised for Public Comment.	April 2015
12 December 2014	9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	Shire President		In Progress
12 December 2014	9.1.4	WA LOCAL GOVERNMENT TRADE EXHIBITION AND CONVENTION 2015	ESAO	Accommodation has been booked need to confirm who will be attending for flights	In Progress
12 December 2014	9.1.6	CAPE KERAUDREN FEES AND CHARGES AND MANAGEMENT OPTIONS	CEO	Fees and Charges has been advertised in the Northwest Telegraph 7/1/2015 to commence fees 1/02/2015	Completed

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCILS DECISIONS - DECEMBER 2014

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: 201415/140

MOVED: Cr Anita Grace

SECONDED: Cr Shane Carter

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer for December 2014 be received.

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

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

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

30 JANUARY, 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
26 September 2014	13.8	AMENITIES AT RADIO HILL Cr Lynne Craigie asked if we can investigate further amenities at Radio Hill including a toilet, improved lighting and a water fountain.	DCEO MAP	Under Investigation	March 2015
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.	DCEO	Still being completed	March 2015
24 October 2014	13.2	MARBLE BAR AQUATIC CENTRE Cr Stephen Kiernan asked if the Marble Bar Pool could get some table, chairs and shade in the grass area. Ms Sian Appleton replied yes a work order will be raised for the request.	MAP	Manager Assets & Procurement organising	March 2015
12 December 2014	11.1.1	TENDER 2014-15 RFT10 - CRIB ROOMS & AMENITIES MARBLE BAR & NULLAGINE DEPOTS	MAP	Re-Tender and re-advertise	In Progress
12 December 2014	13.5	RADIO SERVICES IN NULLAGINE Cr Biddy Schill asked what channels are operating in Nullagine as it is only the ABC, she thought there were more channels operating. Deputy Chief Executive Officer to follow up.	DCEO	Seeking further information	March 2015
12 December 2014	13.8	FLUSHING TOILET AT DINGO PARK Cr Lynne Craigie asked if a flushing toilet could be put in the facility of Dingo Park as people refuse to use the Boomerang Oval public toilets under the grandstand. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO	Investigating use of Sports Complex toilets during office hours. – trials to take place signs ordered	March 2015

**9.2.2 AFFIX COMMON SEAL - NEWMAN BAPTIST CHURCH BROADCASTING
LICENCE AT LOT 1509 RADIO HILL, NEWMAN.**

File Ref: A401509
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Lot 1509, Radio Hill Drive Newman
Name of Applicant: Newman Baptist Church
Author Disclosure of Interest: Nil

11:07 AM Mr Rick Miller left Chambers.

REPORT PURPOSE

To seek Council approval to apply the common seal of the Shire of East Pilbara to the Licence Agreement between the Newman Baptist Church and the Shire of East Pilbara for broadcasting equipment to be located in the shed at Lot 1509, Newman.

BACKGROUND

Discussions have been made with the Newman Baptist Church relating to the shed located at Lot 1509, Radio Hill Newman. Initially, the Shire of East Pilbara gave approval for the Newman Baptist Church to have the broadcasting equipment located in the shed and the Newman Baptist Church would be responsible for the cost of power, there was no formal agreement.

Over the past few years the Shire of East Pilbara has applied additional equipment to the site, including air conditioning which requires power and has entered into other licence agreements. Therefore to date the Newman Baptist Church has been paying for the power consumption.

When this was brought to the Shire of East Pilbara's attention, arrangements were made to cancel the invoices in the name of Newman Baptist Church and create a new account in the name of the Shire of East Pilbara.

A letter was sent to the Newman Baptist Church with the following licence agreement proposal;

- Term of licence agreement to be 10 years
- Fees and Charges - \$20.00 per month, charged on an annual basis \$240.00 per year.
- Licence agreement – the Newman Baptist Church will be responsible for the cost of the preparation, documentation and execution of the licence agreement. Should the cost exceed \$1000 the Shire of East Pilbara will contribute the additional funds.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara will be responsible for the power consumption to the shed located at Lot 1509 located at Radio Hill.

Any organisations that has sort to approval to use the shed or any portion of the land located at Lot 1509 Radio Hill, Newman should be required to enter into a formal agreement with the Shire of East Pilbara.

The power consumption invoices to Newman Baptist Church have been approximately \$400.00 per 60 day billing cycle.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

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 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

1.3.2 Excellence in customer service
Responsible officer: MFA
Timing: 1-3 years

Goal 2 – Social – Planned Actions

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

2.3 Art, culture and youth

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

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

FINANCIAL IMPLICATIONS

There is a General Ledger allocated for the Operating Expenses – Newman Radio Hill for \$7,800 in the adopted budget. Budget expended to date \$796.01, there are sufficient fund to the end of this financial year.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/141

MOVED: Cr Shane Carter

SECONDED: Cr Anita Grace

THAT Council:

- 1. Approve entering into an licence agreement with the Newman Baptist Church for broadcasting equipment in the shed at Lot 1509, Radio Hill Newman**
- 2. Apply the common seal to the licence agreement between the Shire of East Pilbara and the Newman Baptist Church.**
- 3. The conditions of the licence agreement are as follows;**
 - a) Term of licence agreement to be 10 years
 - b) Fees and Charges - \$20.00 per month, charged on an annual basis \$240.00 per year.
 - c) Licence agreement – the Newman Baptist Church will be responsible for the cost of the preparation, documentation and execution of the licence agreement. Should the cost exceed \$1000 the Shire of East Pilbara will contribute the additional funds.
- 4. Seek approval from the Minister for Lands.**

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

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

**9.2.3 AFFIXING COMMON SEAL TO VARIATION TO FUNDING AGREEMENT
WITH THE MINISTRY FOR THE ARTS AND MARTUMILI ARTISTS**

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Dawn Brown
Asset & Procurement Administration Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

11:10 AM Mr Rick Miller returned to the Chambers

REPORT PURPOSE

To advise Council that the Common Seal has been affixed under delegated authority to the Variation to the Funding Agreement between the Attorney-General's Department (Ministry for the Arts) and the Shire of East Pilbara (Martumili Artists Operational Support) with respect to the Indigenous Visual Arts Industry Support Program.

BACKGROUND

The original Funding Agreement was dated 26th August, 2013 for the amount of \$455,000.

The Ministry for Arts have prepared a Variation to the Funding Agreement. The varied Funding Agreement commenced from the date of signing the Variation document. The Variation document was signed and sealed by the Shire on the 16th December, 2014.

The Activity Objectives and Values remain the same as the original Funding Agreement being:

- To deliver Indigenous visual arts services for Martumili Artists in the Shire of East Pilbara region.
- Support the operations of the art centre through the production, promotion and marketing of indigenous visual art.
- Provide opportunities for indigenous artists to maintain, develop and extend their professional art practice.
- Provide opportunities for art centre staff, artists and Board members to develop professional skills and experience.
- Consistent with strategy 3.5 of the Indigenous Art Centre Plan, Art Centres should support and promote the Indigenous Art Code to ensure fair and ethical practices across the sector.

COMMENTS/OPTIONS/DISCUSSIONS

The Variation includes additional funding income of \$55,000 (gst ex) to deliver indigenous visual arts services for Martu artists in the Shire of East Pilbara region.

Therefore the total funding income for this project has increased from \$455,000 to \$510,000 (gst ex).

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

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.

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: ADM-14-9
Legislative Authority for Delegation: S5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare 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) _____

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.3 Art, culture and youth

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/142

MOVED: Cr Dean Hatwell

SECONDED: Cr Lang Coppin

THAT Council note that the Common Seal has been affixed under delegated authority to the Variation to the Funding Agreement between the Attorney-General's Department (Ministry for the Arts) and the Shire of East Pilbara (Martumili Artists Operational Support) with respect to the Indigenous Visual Arts Industry Support Program.

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

To be actioned by Ms Dawn Brown, Asset & Procurement Administration Officer

**9.2.4 AFFIXING COMMON SEAL TO AHRENS GROUP PTY LTD NEWMAN FOR
SES BUILDING**

File Ref: RFT 08 2014/15
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Glenn Britton
Manager Assets and Procurement
Location/Address: Kurra Street, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council of use of delegation of authority provided on 12 December 2014 and request authority to execute the contract document under common seal.

BACKGROUND

At Council meeting of 12 December 2014, Council resolution 201415/113:
THAT Council delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 30th January, 2015 up to the value of the nominated amounts:

Tender No	Description	Funding Provider	Expenditure Account	Budget Amount (ex GST)
RFT 08-2014/15	New SES Building	DFES/Municipal	59015	\$1,100,000
RFT 11-2014/15	Chlorination Plant, Pumps & Associated Equipment Servicing	Municipal Funds	111149, 111195 & 101106	\$671,800 per yr

Tenders for the new SES Building Project closed on 23 December 2014:

Six (6) tenders was received from the following organisations:

Tenderer	Address:
Ahrens Group Pty Ltd	Lot 35 Shovelanna Drive Newman WA 6753
Capital Construction WA Pty Ltd	18 Governor Drive Falcon WA 6210
McGrath Homes	31 Challenge Boulevard Wangara WA 6065

Tenderer	Address:
Megara Constructions Pty Ltd	1/662 Newcastle Street Leederville WA 6007
Pindan Contracting Pty Ltd	191 Great Eastern Highway Belmont WA 6104
Thermal Comfort Homes	45 Edison Circuit Forrestdale WA 6112

Tenders were assessed by a panel and a recommendation report prepared for CEO approval as per the delegation of Authority.

The submission by Ahrens Group Pty Ltd at a price of \$802,593.86 was within the limits of delegation, represented the best value for money for the Shire and is approved for the construction contract.

COMMENTS/OPTIONS/DISCUSSIONS

The contract will require Shire execution under common seal is currently being prepared and negotiated.

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

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
Responsible officer: MBA
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/143

MOVED: Cr Dean Hatwell

SECONDED: Cr Shane Carter

THAT Council approve to affix the common seal to the Design and Construct contract between the Shire of East Pilbara and Ahrens Group Pty Ltd.

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

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

9.2.5 PROPOSED AUDIT COMMITTEE MEETING DATE 2015

File Ref: FIN-21-2
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 set the meeting dates of the Audit Committee meetings for the 2015 year.

BACKGROUND

Council is required under the Local Government Act, once a year, to set and advertise Committee meeting dates, times and venue for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Four meetings have been scheduled to allow the Audit Committee to perform its main tasks and advise council accordingly. These tasks include the annual meeting with the auditor, the review of the current budget, the review of the budget for the next financial year and the review of the auditor's report and recommendation on that report to Council prior to the Annual Electors meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration (Division 2 - Meetings) (Subdivision 3 - Matters affecting meetings) 5.25. Regulations about council and committee meetings and committees (pg 141)

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –

(g) the giving of public notice of the date and agenda for council or committee meetings;

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings – s5.25(1)(g)

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

POLICY IMPLICATIONS

The Policy Council Meetings – Dates and Times states in part:

“Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council’s Delegations Manual.”

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/144

MOVED: Cr Anita Grace

SECONDED: Cr Dean Hatwell

THAT Council adopt the dates for the 2015 audit committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.

CARRIED

RECORD OF VOTE: 8 - 0

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

MEETING DATE	WEEK	COMMENCEMENT TIME	VENUE
19 th February 2015	2 nd Thursday	8:00am	Newman
10 th July 2015	2 nd Thursday	8:00am	Newman
8 th October 2015	2 nd Thursday	8:00am	Newman
3 rd December 2015	1 st Thursday	8:00am	Newman

9.2.6 PURCHASING AND TENDER PROCEDURES POLICY UPDATE

File Ref: FIN 10-12
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

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 of the inclusion of Service Technician/General Hand having authorisation to raise purchase orders up to the value of \$2,000.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

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 11 March 2011
9.1.8 3 February 2012
9.2.4 25 May 2012
9.2.7 28 July 2012
9.2.6 28 June 2013
9.2.7 27 September 2013
9.2.9 6 December 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

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:

- . 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.

- Coordinators
- 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 the maximum value of \$2,000.

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

- Field Officer and client Services – Martumili
- Technical Services Administration Officer
- RPT Bus Driver
- Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
- Asset and Procurement Administration Officer
- **Service Technician/General Hand**

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:

- *Valuation by the auction house.*
- *Valuation from a recognised source i.e.: 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 (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.
- The Purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc. GST.

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: 201415/145

MOVED: Cr Shane Carter

SECONDED: Cr Craig Hoyer

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:	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	11 March 2011
9.1.8	3 February 2012
9.2.4	25 May 2012
9.2.7	28 July 2012
9.2.6	28 June 2013
9.2.7	27 September 2013
9.2.9	6 December 2013
9.2.6	30 January 2015

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

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:

- . 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.

- Coordinators
- 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 the maximum value of \$2,000.

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- Field Officer and client Services – Martumili
- Technical Services Administration Officer
- RPT Bus Driver
- Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
- Asset and Procurement Administration Officer
- Service Technician/General Hand

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:

- *Valuation by the auction house.*
- *Valuation from a recognised source i.e.: 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 (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.
- The Purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc. GST.

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

To be actioned by Mrs Candice Porro, Senior Finance Officer

9.2.7 MONTHLY FINANCIAL STATEMENTS - OCTOBER 2014

Attachments:	October 2014 Variance Report.doc October Financial Statements.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Lisa Davis Coordinator Financial Services
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 October 2014 of the 2014/2015 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/COUNCIL RESOLUTION: 201415/146

MOVED: Cr Dean Hatwell

SECONDED: Cr Shane Carter

That the monthly financial statements for the period October 2014 of the 2014/2015 financial year as presented be received.

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mrs Lisa Davis, Coordinator Financial Services

9.2.8 SUNDRY DEBTORS WRITE OFF – NEWMAN TENNIS CLUB

File Ref: FIN-10-2
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 seek Council approval to write off uncollectible debt to the value of \$2,717.80

BACKGROUND

As per below, outlines invoices that remain outstanding between November 2013 – February 2014 for Newman Tennis Club.

Various letters and telephone conversations had been made to Newman Tennis Club, however the club had been struggling to make payment.

The Newman Tennis Club has now disbanded. They have returned all keys and ceased lease with the Shire of East Pilbara.

COMMENTS/OPTIONS/DISCUSSIONS

Inv No	Inv Date	Amount	Description
62024	20/02/2014	355.00	SHIRE OF EAST PILBARA - POWER STATEMENT 04/12/2013 - 19/02/2014
60743	04/12/2013	180.00	Booking number 314 - Tennis Court Lighting Court 3 On 12/11/2013
60876	04/12/2013	598.80	Clubroom Power Consumption 28/06/13-04/12/13
60544	11/11/2013	432.00	FOR THE MONTH OF OCTOBER 2013 - COURT LIGHTING 18 HOURS FOR COURT 1 & 2 @ \$24 PER HOUR FOR THE MONTH OF OCTOBER 2013
60555	11/11/2013	216.00	FOR THE MONTH OF OCTOBER 2013 - COURT LIGHTING 18 HOURS FOR COURT 1 @ \$12 PER HOUR FOR THE MONTH OF OCTOBER 2013
60507	08/11/2013	936.00	FOR THE MONTH OF SEPTEMBER 2013 39 HOURS @ \$24.00 PER HOUR FOR THE MONTH OF SEPTEMBER 2013

\$2,717.80

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

** Absolute majority required.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Reduction in Sundry Debtors totalling \$2,717.80. An amount of \$10,300 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/147

MOVED: Cr Kevin Danks

SECONDED: Cr Dean Hatwell

THAT the Sundry Debtors listed below be written off:

Inv No	Inv Date	Amount	Description
62024	20/02/2014	355.00	SHIRE OF EAST PILBARA - POWER STATEMENT 04/12/2013 - 19/02/2014
60743	04/12/2013	180.00	Booking number 314 - Tennis Court Lighting Court 3 On 12/11/2013
60876	04/12/2013	598.80	Clubroom Power Consumption 28/06/13-04/12/13
60544	11/11/2013	432.00	FOR THE MONTH OF OCTOBER 2013 - COURT LIGHTING 18 HOURS FOR COURT 1 & 2 @ \$24 PER HOUR FOR THE MONTH OF OCTOBER 2013
60555	11/11/2013	216.00	FOR THE MONTH OF OCTOBER 2013 - COURT LIGHTING 18 HOURS FOR COURT 1 @ \$12 PER HOUR FOR THE MONTH OF OCTOBER 2013
60507	08/11/2013	936.00	FOR THE MONTH OF SEPTEMBER 2013 39 HOURS @ \$24.00 PER HOUR FOR THE MONTH OF SEPTEMBER 2013
	TOTAL	\$2,717.80	

CARRIED BY ABSOLUE MAJORITY
RECORD OF VOTE: 8 - 0

To be actioned by Mrs Candice Porro, Senior Finance Officer

9.2.9 SUNDRY DEBTORS WRITE OFF - MONADELPHOUS

File Ref: FIN-10-2
Attachments: [Invoice 61460.pdf](#)
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 seek Council approval to write off uncollectible debt to the value of \$429.00

BACKGROUND

As per table below, outlines invoice details and ongoing correspondence with supplier.

COMMENTS/OPTIONS/DISCUSSIONS

Name	Invoice	Amount	Details
Monadelphous	61460	429.00	Newman Tip Fees – November 2013

Various emails & telephone conversations with Monadelphous Group to try and resolve outstanding invoice 61460.

Project Co-ordinator had received copies of tip sheets however exhausted all avenues to try and recognise driver's signature. As no projects were in the area at the time, possibly the invoice was raised in error.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

which is owed to the local government.

** Absolute majority required.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Reduction in Sundry Debtors totalling \$429.00. An amount of \$10,300 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/148

MOVED: Cr Dean Hatwell

SECONDED: Cr Biddy Schill

THAT the Sundry Debtors listed below be written off:

Name	Invoice	Amount	Details
Monadelphous	61460	429.00	Newman Tip Fees – November 2013

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

To be actioned by Mrs Candice Porro, Senior Finance Officer

9.2.10 CREDITORS FOR PAYMENT

File Ref: FIN10-2

Attachments: [Schedule of Accounts EFT.pdf](#)
[Schedule of Accounts Chq.pdf](#)
[Schedule of Accounts Manual Chq.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 12/12/14.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT26225 - EFT26883	\$15,161,609.19
	Total	\$15,161,609.19
Cheque Payments	CHQ23214 – CHQ23333	435,999.29
Manual Cheque Payments	CHQ211 – CHQ219	45,358.16
	Total	\$481,357.45
	GRAND TOTAL	<u>\$15,642,966.64</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

23232, 23274, 23275, 23276, 23277, 23278, 23279, 23281, 23301, 23311, 23312, 23313, 23324 and 23332.

CANCELLED CHEQUES & EFTS

26509, 26534, 26599, 26645, 26823, 26854, 26855, 26866 and 26874.

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 15,642,966.64

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/149

MOVED: Cr Anita Grace

SECONDED: Cr Craig Hoyer

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT26225	\$15,161,609.19
	Total	\$15,161,609.19
Cheque Payments		435,999.29
Manual Cheque Payments		45,358.16
	Total	\$481,357.45
	GRAND TOTAL	<u>\$15,642,966.64</u>

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mrs Jeanette Bessell, Finance Officer

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - DECEMBER 2014

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/COUNCIL RESOLUTION: 201415/150

MOVED: Cr Dean Hatwell

SECONDED: Cr Craig Hoyer

THAT the "Status of Council Decisions" – Director Technical and Development Services for December 2014 be received.

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

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

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

30 JANUARY, 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	DTDS CEO DCEO	Nov 2013 - Cr Coppin & DTDS travelled desert roads & recorded condition of windmills & marked points of interest for future tourist mapping. Executive to allocate resources to develop themes & seek funding	Pending
23 August 2013	13.3	WOODIE WOODIE AREA Cr Kevin Danks has asked if it was possible to have the correct names on the signs. Cr Kevin Danks will give the correct names. Director Technical and Development Services to follow up.	MTS-R	Signs received and will be scheduled for installation. In progress	February 2015
23 May 2014	13.1	CAPE KERAUDREN BOAT RAMP Cr Stephen Kiernan asked if the width of the boat ramp can be looked at, as it could be a hazard especially at night time.	MTS-R	Immediate repairs of fixing drop off at bottom of ramp and sides will commence late Jan early Feb. ramp will need to be temporarily closed.	February 2015
27 th June 2014	13.5	ROCK WALL – RADIO HILL Cr Shane Carter asked if the rock wall up on Radio Hill can be completed as it was never finished.	DTDS MTS-N	Repairs to existing wall completed. Matching stone to be sourced to complete final 8 metres.	February 2015
26 September 2014	13.1	DOG AGILITY PARK Cr Anita Grace asked if we can investigate water being installed at the dog agility park in Newman.	DTDS MDS-H	Design and costings to be investigated. In progress	February 2015
26 September 2014	13.5	AIRPORT RESIDENCE CARDS Cr Biddy Schill asked if the Newman Airport residence cards can be sent to residents in towns outside of Newman, with their rates receipt.	DTDS DCEO CEO	Options to be investigated by Executive	February 2015
24 October 2014	13.3	SEATING MAIN STREET MARBLE BAR	MTS-R	Some spare seats to be	January 2015

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

30 JANUARY, 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Cr Stephen Kiernan asked if seating can be put in the main street as a lot of people sit on the grass area.		installed	
12 December 2014	13.2	WATER WELLS / WINDMILLS Cr Lang Coppin asked if the Shire of East Pilbara can organise and other parties to help maintain the water wells / windmills along the desert roads as it will save lives. Director Technical and Development Services to follow up.	DTDS MTS-R	Investigate ownership and engage with communities. Prioritise access and repairs	On Going
12 December 2014	13.3	GRAVEL ROAD NEXT TO CLAY SHOOTING CLUB Cr Shane Carter asked if possible to grade the gravel road from the bitumen to the Clay shooting Club. Director Technical and Development Services to follow up.	DTDS MTS-N	Works request Raised	January 2015
12 December 2014	13.4	SOLAR LIGHTING – NULLAGINE TOWN PARK Cr Biddy Schill asked if there could be solar lighting install at the town park as she attended the Christmas Tree Lighting no lighting available and it was very dark. Director Technical and Development Services to follow up.	DTDS MTS-R	To be investigated and costed for budget consideration.	February 2015
12 December 2014	13.6	NULLAGINE RUBBISH TIP Cr Biddy Schill said there was a sign at the rubbish tip stating NO oil, batteries and tyres to be left at the Nullagine Rubbish Tip. What are the residents of Nullagine supposed to do with these? Mr Rick Miller, replied that it is illegal to dispose of oil, batteries and tyres at the Nullagine tip and suggests the residents keep these until they are heading towards Newman or Port Hedland, as these refuse tips have the correct disposal for such items.	DTDS	Will further investigate other solutions.	March 2015
12 December 2014	13.9	DINGO PARK – DOUBLE GATE Cr Lynne Craigie asked if it was possible to get the double	DTDS MTS-N	Works Request Raised	February 2015

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		gate system on both sides of the dog park as it is only on one side at the moment and when you open the single gate the dogs tend to run out. Director Technical and Development Services to follow up.			

9.3.2 DOG LEASHING AREA - CAPE KERAUDREN RESERVE

File Ref: A139135
Attachments: [Cape Keraudren Map](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Andrew Norris
Coordinator Ranger and Emergency Services
Location/Address: Cape Keraudren Reserve
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:39 AM Mr Allen Cooper left Chambers.

11:40 AM Mr Allen Cooper returned to the Chambers

REPORT PURPOSE

To give effect to Council's December resolution with respect to a trial of a rural leashing area for dogs at the Cape Keraudren Reserve.

BACKGROUND

At the Ordinary Meeting of Council, on 12 December, 2014, Council resolved the following in relation to dogs at the Cape Keraudren Reserve:

THAT a trial be undertaken for the 2015 season on allowing dogs on leashes at all times in the Cape Keraudren Recreation Reserve and the immediate coastal areas.

To give effect to this resolution and commence the proposed trial of a rural leashing area at the Cape Keraudren Reserve council are required to give public notice and make a resolution to the effect that the area is now a rural lashing area as defined by the Dog Act 1976 (as amended).

COMMENTS/OPTIONS/DISCUSSIONS

If Council wish to open the Reserve to use by dog owners, then a trial is an appropriate method to determine the extent of any effects such an action will have.

Recent amendments to the Dog Act allow Council to alter the status of an area by resolution. This means that Council can resolve and declare that the area is a rural leashing area and then, dependent upon the outcome of the trial, declare it prohibited or not.

Should Council resolve to approve the Cape Keraudren Reserve as a rural leashing area Council Officers will monitor the impact the allowing of dogs into the reserve may have on the flora and fauna and the amenity of the park users, typically by the number of complaints, if any, received.

Suitable signage and advertising will give force to the resolution on the ground and should be reinforced by shire staff.

If Council make the proposed resolution then the rural leashing area could commence from the 1st February 2015 as per the proposed fee changes.

STATUTORY IMPLICATIONS/REQUIREMENTS

LOCAL GOVERNMENT ACT 1995

Part 1 - Introductory matters 1.7. Local public notice (pg. 8)

Part 1 - Introductory matters 1.9. Decisions by absolute majority (pg. 9)

DOG ACT 1976 (As Amended)

Section 31 - Control of dogs in certain public places.

Section 31(5) - A local government must specify dog exercise areas.

Section 31(3B) - A local government may, specify a public place that is under the care, control or management of the local government to be a rural leashing area.

Local Governments are required to give 28 days' notice of their intention to specify dog prohibited areas or dog exercise areas. This includes a rural leashing area.

As such a suitable notice advertising Council's intention was placed in the West Australian Newspaper on Wednesday, 24 December, to ensure adequate notice prior to the January meeting of Council. A copy of said notice is below:



Once the council resolution has been passed, the local government should inform the public of the new restrictions via normal methods to give effect to the resolution.

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

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
Financial Implications

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/151

MOVED: Cr Dean Hatwell

SECONDED: Cr Shane Carter

THAT Council

1. Declare the following area:

Cape Keraudren Recreation Reserve 39135 as defined by lot 64 on Plan 216173 a rural leashing Area as defined by the Dog Act section 31(3B), as of 1st February 2015.

2. This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth)* section 9(2).

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 8 - 0

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

**9.3.3 APPLICATION FOR INCLUSION OF A PLACE IN THE MUNICIPAL
HERITAGE INVENTORY -**

File Ref: PLN-4-3
Attachments: [Heritage Application - Flegg-Thompson.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: South of Marble Bar
Name of Applicant: Rod Thompson
Author Disclosure of Interest: Nil

Cr Lynne Craigie vacated the Chair
Cr Lang Coppin assumed the Chair
11:59 AM Cr Lynne Craigie left Chambers.
12:00 PM Cr Lynne Craigie returned to the Chambers
Cr Lang Coppin vacated the Chair
Cr Lynne Craigie assumed the Chair

REPORT PURPOSE

A request has been received from the applicant regarding the potential to list the subject site on Council Municipal Heritage Inventory (MI).

BACKGROUND

A submission has been received from the applicant concerning the ruins of two houses, Thompson Residence and Flegg Residence, in the vicinity of an area referred to as Sharks Gully south of Marble Bar and west of Corunna Downs.

The area was part of the Mt Ada mining lease which commenced operations sometime in the 1880's and was eventually taken over by Harold Flegg and Rod Thompson in the early 1930's.

The applicant states that the Flegg House was constructed in 1934 and the Thompson House in 1935. It is also further stated that the mining lease was abandoned in 1941 with the respective families then relocating.

The applicant is seeking the listing in the inventory on the bases of construction style in that it was a high standard of home in a harsh climate.

COMMENTS/OPTIONS/DISCUSSIONS

The applicant has sought the inclusion in the MI on the basis of construction style and standard. It is noted that there is no evidence provided of any cultural significance in relation to the sites as a whole.

On review of the current MI, there is a theme related to abandoned settlements in relation to settlements and mining. It may be possible to consider an inclusion on this basis.

Furthermore, it is noted that the MI was completed in 2008 and is due to be reviewed. It is an extensive document and is a time consuming process to review which is why we would typically seek grant funding to fund a consultant to undertake the update. In saying that, it would be beneficial to avoid ad hoc inclusions until such time that a full review of the MI is undertaken. This has been noted as a medium term process in the current strategic planning framework as well as the draft Local Planning Strategy. In any event, it is considered likely that there will be avenues for funding in the short term and accordingly this has been identified by the Shire's planning section to seek and apply for funding accordingly.

STATUTORY IMPLICATIONS/REQUIREMENTS

Heritage of Western Australia Act 1990.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.3 Art, culture and youth

2.3.1 Develop and implement community pride projects

Responsible officer: MCW

Timing: 1 year

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note the submission by the applicant for the inclusion of the Flegg and Thompson house ruins and that the inclusion will be considered upon next review of the Municipal Heritage Inventory.

COUNCIL RESOLUTION: 201415/152

MOVED: Cr Dean Hatwell

SECONDED: Cr Lang Coppin

THAT Council

- 1. Agree to the inclusion of the Flegg and Thompson house ruins in the Municipal Heritage Inventory.**
- 2. That the inclusion be completed in-house.**

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

Reason for Non Acceptance of Officer's Recommendation: Council felt that the ruins should be included immediately.

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

**9.3.4 PROPOSAL TO ACCEPT NEW MANAGEMENT ORDER OVER RESERVE
32769 - OLD NULLAGINE POWER STATION**

File Ref: A301248
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Gallop Road, Nullagine
Name of Applicant: Horizon Power/Shire of East Pilbara
Author Disclosure of Interest: Nil

12:05 PM Mr Allen Cooper left Chambers.

REPORT PURPOSE

Horizon Power has approached Council to ascertain if Council would be willing to take over management of Reserve 32769 which is the former Nullagine power station site no longer required by Horizon Power.

BACKGROUND

Reserve 32769, being Lot 172 on Deposited Plan 180657 was historically vested in the Shire in 1974 for the purposes of a Power Station site before being revoked and vested in State Energy Commission of WA (subsequently Horizon Power) in the late 1980's.

In recent years the new power station just outside of the town has been completed and the subject Reserve is now surplus to the needs of Horizon Power.

COMMENTS/OPTIONS/DISCUSSIONS

Horizon Power is currently in a process of decommissioning and demolishing a series of redundant sites throughout the state. Accordingly, as the subject Reserve was historically vested in the Shire, and it currently adjoins the Shire Depot, Horizon Power has approached the Shire to resume management over the Reserve.

In accepting a management order over the subject Reserve, Council is advised that the land is subject to a memorial pursuant to the Contaminated Sites Act 2003. The memorial states that the land is a "Contaminated – restricted use" site which means uses of a sensitive nature could not occur. That is, uses such as residential, schools, recreation etc. However, it does not exclude uses of a commercial/industrial type nature such as that which occurs on the adjoining Depot site. Reasons for the site being registers as a contaminated site are based on the existence of hydrocarbons as a result of its historic use as a diesel powered power station.

In terms of a proposed Reserve purpose, although the adjoining lot is a Reserve for the purposes of "Shire Depot", it is restrictive to exactly that. Alternative, it may be

worthwhile requesting that the Reserve be vested to the Shire for the purposes of “Shire Purposes” which would enable a broader range of uses.

Given that the lot directly adjoins an existing Shire Reserve, it is recommended that Council request the subject Reserve to be vested in the Shire and in doing so Council acknowledges the memorial in relation to it being a contaminated site.

STATUTORY IMPLICATIONS/REQUIREMENTS

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.

3.4 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

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/153

MOVED: Cr Biddy Schill

SECONDED: Cr Kevin Danks

THAT Council:

1. Requests the Minister for Lands to grant management orders and the vesting of Reserve 32769 in the Shire for the purposes of "Shire Purposes" and in doing so Council accepts any or all management orders issued; and
2. Advises the Minister for Lands that it acknowledges the existence of a memorial on the Crown Land Title for Reserve 32769 pursuant to the Contaminated Sites Act 2003.
3. Shire officers inspect the infrastructure on Reserve 32769 and advise Horizon Power on which infrastructure the shire would seek to retain at no cost.

CARRIED
RECORD OF VOTE: 8 - 0

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



**9.3.5 AFFIXING OF THE COMMON SEAL TO LICENSE CONTRACT BETWEEN
SHIRE OF EAST PILBARA AND HERTZ AUSTRALIA**

File Ref: FAC-1-2
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

12:08 PM Mr Allen Cooper returned to the Chambers

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Lease Area, Kiosk and Umbrella agreement (incorporating the car parking bays and kiosk) located at Newman Airport.

BACKGROUND

Hertz Australia is currently conducting business from the Newman Airport site. This Umbrella agreement includes licenses for the kiosk and car bays. The agreement is in place until April 2017.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

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.

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: 201415/154

MOVED: Cr Lang Coppin

SECONDED: Cr Kevin Danks

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 Hertz Australia at Newman Airport.

CARRIED

RECORD OF VOTE: 8 - 0

To be actioned by Mr Salomon Kloppers, Manager Development Airports

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 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDERS
FOR THE PERIOD TO 6 MARCH 2015 BE ACCEPTED AS ITEM 11.1.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/155

MOVED: Cr Shane Carter

SECONDED: Cr Kevin Danks

**THAT the Delegation to Chief Executive Officer to Award Tenders for the period
to 6 March 2015 be accepted as item 11.1.1.**

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

**11.1.1 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDERS
FOR THE PERIOD TO 6 MARCH 2015**

File Ref: LEG-13-4-2, LEG-13-4-5 and LEG-13-4-13

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

**Author: Mr Glenn Britton
Manager Assets and Procurement**

**Location/Address: RSL PARK MARBLE BAR
MARBLE BAR DEPOT
NULLAGINE DEPOT
NEWMAN ADMINISTRATION CENTRE**

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To request Council to delegate authority to the CEO to award tenders for the period up to the next Ordinary Council meeting to be held on the 6th March, 2015. This is to allow projects that have tight timelines related to grants and acquittals to be progressed to minimise the risk of losing grant funding and to deliver the works program.

BACKGROUND

Shire officers have reviewed the adopted budget and noted that several approved projects are linked to external funding and have certain timeframes for works to be completed and acquitted. With funding becoming more and more difficult to obtain, funding bodies are also tightening up on acquittal timelines and in some cases

money allocated is being withdrawn, if projects run over the agreed time. To minimise the risk of this occurring with Shire projects, staff have selected several projects that are likely to be tendered and could be awarded before 6th March, 2015 to assist in meeting the delivery and acquittal deadlines.

At Council meeting of 12 December 2014, Council resolution 201415/113:

THAT Council delegate authority to the CEO (or in the absence of the CEO the Action CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 30th January, 2015 up to the value of the nominated amounts.

As per above the Chlorination tender is still undergoing assessment and therefore we wish to extend the delegated authority, of the CEO, for this tender until the 6th March 2015.

COMMENTS/OPTIONS/DISCUSSIONS

It will be recommended that the CEO (or in the absence of the CEO, the Acting CEO) be delegated authority to award tenders for the following projects up to the nominated values:

Tender No	Description	Funding Provider	Expenditure Account	Budget Amount (ex GST)
RFT 02-2014/15	Marble Bar RSL Park Memorial Stage 2	CLGF	119054	\$200,000
RFT 05-2014/15	Newman Administration Office Extension	CLGF	49021	\$500,000
RFT 13-2014/15	Crib Rooms & Amenities Marble Bar & Nullagine Depots	CLGF	129594 129608	\$330,000 \$190,000
RFT 11-2014/15	Chlorination Plant, Pumps & Associated Equipment Servicing	Municipal Funds	111149, 111195 & 101106	\$671,800pa

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

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

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

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

POLICY IMPLICATIONS

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.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201415/156

MOVED: Cr Lang Coppin

SECONDED: Cr Dean Hatwell

THAT Council delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the following tenders for the period up to the 6th March, 2015 up to the value of the nominated amounts:

Tender No	Description	Funding Provider	Expenditure Account	Budget Amount (ex GST)
RFT 02-2014/15	Marble Bar RSL Park Memorial Stage 2	CLGF	119054	\$200,000
RFT 05-2014/15	Newman Administration Office Extension	CLGF	49021	\$500,000
RFT 13-2014/15	Crib Rooms & Amenities Marble Bar & Nullagine Depots	CLGF	129594 129608	\$330,000 \$190,000
RFT 11-2014/15	Chlorination Plant, Pumps & Associated Equipment Servicing	Municipal Funds	111149, 111195 & 101106	\$671,800pa

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

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

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

Nil

12:25 PM Mr Ken (Gibo) Giblett, Works Supervisor Newman Depot entered Chambers

Mr Ken Giblett was awarded a certificate and gift from the Shire President, Cr Lynne Craigie and the Chief Executive Officer, Mr Allen Cooper on behalf of the Shire of East Pilbara for 30 years long service to the Shire of East Pilbara. Congratulations to Gibo for his outstanding achievement.

12:30 PM Meeting adjourned for lunch.

1:14 PM Meeting resumed, All Councillors and staff returned to Chambers except Mr Ken Giblett.

13 GENERAL BUSINESS

13.1 NEWMAN TOWN CENTRE ROAD

Cr Craig Hoyer asked when the new road at the town centre will be open.

Mr Allen Cooper replied we are still waiting for the lots to be sub divided and a road reserve created before the road will be opened.

13.2 MARBLE BAR AQUATIC CENTRE

Cr Dean Hatwell asked will the Marble Bar Pool be open during tourist season.

Ms Sian Appleton replied yes it will be open throughout the winter months as per the same roster as the previous year.

13.3 SIGNS MARBLE BAR AIRPORT

Cr Dean Hatwell asked if the airport signs going to the airport from Marble Bar and Port Hedland sides can be replaced as they still have the telephone sign on them.

Director Technical and Development Services to follow up.

13.4 SEATING IN FRONT OF CRC MARBLE BAR

Cr Dean Hatwell asked if the seats in front of the Marble Bar CRC office can be cleaned as they dirty.

Director Technical and Development Services to follow up.

13.5 MARBLE BAR HOUSE NUMBERING

Cr Dean Hatwell asked for an update regarding the house numbers.

Mr Rick Miller replied due to an error in the purchasing of the house numbers this had been put on hold. Numbers have been re-ordered and advertising, getting the message out to the Marble Bar residents will be happening very soon.

13.6 SOLAR ALLOCATION REBATE FOR RESIDENTS OF MARBLE BAR AND NULLAGINE

Cr Dean Hatwell asked about the solar allocation rebate is no longer available for residents in Marble Bar and Nullagine.

Ms Sian Appleton explained to Cr Dean Hatwell that the grid buy back for household solar power system had reached its capacity.

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 16th June 2015 and staff will be discussing the agreement with the Department of Education.

13.8 PILBARA HINTERLAND AGRICULTURAL DEVELOPMENT INITIATIVE (PHADI)

Cr Lang Coppin spoke about the information bulletin regarding the Chinese businessman who would like to set up and transform degraded land for agriculture. This is very exciting for the Pilbara and if the Shire of East Pilbara could make contact with Elion Resources to find out more of their plans for the area.

Mr Allen Cooper said the Department of Agriculture and Food, WA is providing a project update for PHADI on the 24th February 2015 in Perth, there will be representatives from the Shire of East Pilbara attending and that he will endeavour to make contact with Elion Resources.

13.9 CONTRACTORS

Cr Lang Coppin asked due to fuel prices dropping is this being reflected in a decrease on road maintenance contractor rates.

Mr Rick Miller replied that he would have the arrangements reviewed.

13.10 JET SKI USAGE AT OPTHAMIA DAM

Cr Shane Carter asked if jet skis can be used at Ophthalmia Dam.

Mr Allen Cooper replied the Dam is owned by BHP Billiton and the rule was no machines with engines e.g.: motorboats can be used on the dam as it could contaminate the water, but he would ask the question about jet skis.

13.11 REST STOP NULLAGINE

Cr Biddy Schill revised a number of issues with the new rest stop in Nullagine.

Deputy Chief Executive Officer to follow up.

13.12 WASTED WATER AT IRRUNGADJI COMMUNITY

Cr Biddy Schill said there was a lot of water going to waste at the community and if it was possible for the Shire to contact the Water Department to investigate.

Director Technical and Development Services to follow up.

13.13 ANZAC 100 YEARS CELEBRATION

Cr Anita Grace asked if the Shire of East Pilbara planning to do anything for the ANZAC 100 years celebration.

Mr Allen Cooper replied that we are upgrading the gravesites in Marble Bar and in Nullagine and issuing medallions to schools.

13.14 DEPARTMENT OF HOUSING WORKSHOP – PUBLIC HOUSING

Cr Lynne Craigie advised that the Department of Housing is conducting a workshop on 11th February 2015 on public housing at the Newman Visitors Centre, if staff or Councillors are interested in attending.

14 DATE OF NEXT MEETING

6th March 2015, Marble Bar

15 CLOSURE

1:48 PM