

Unconfirmed copy of Minutes of  
Meeting held on 7 December 2012  
subject to confirmation at meeting to be  
held on 8 February 2013



## **EAST PILBARA SHIRE COUNCIL**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council was held,  
in Council Chambers, Newman,  
10.00 AM, FRIDAY, 7 DECEMBER, 2012.

Allen Cooper  
CHIEF EXECUTIVE OFFICER

THE HEART  
OF THE  
PILBARA



## DISCLAIMER

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

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

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

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

## WRITTEN CONFIRMATION

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

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

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	6
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE .....	6
2.1	ATTENDANCES .....	6
2.2	APOLOGIES .....	6
2.3	LEAVE OF ABSENCE .....	6
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	7
4	PUBLIC QUESTION TIME .....	7
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	7
5.1	MARTU CHRISTIAN FELLOWSHIP CHURCH FUTURE PLANS .....	7
5.2	IRON VALLEY PROJECT – IRON ORE HOLDINGS .....	7
5.3	PROPOSAL TO GRASS THE NULLAGINE / IRRUNGADJI OVAL .....	7
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	7
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	8
7.1	CONFIRMATION OF MINUTES.....	8
7.2	PILBARA REGIONAL COUNCIL MINUTES .....	8
8	MEMBERS REPORT .....	9
8.1	ITEMS FOR RECOMMENDATION .....	9
8.2	ITEMS FOR INFORMATION.....	9
9	OFFICER’S REPORTS .....	11
9.1	CHIEF EXECUTIVE OFFICER.....	11
9.1.1	CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS – OCTOBER 2012 .....	11
9.1.2	RESPONSIBILITY FOR CONDUCTING EXTRAORDINARY LOCAL GOVERNMENT ELECTION – CENTRAL WARD.....	14

---

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9.1.3	AMENDMENT TO CITIZENSHIP CEREMONIES POLICY .....	16
9.1.4	REPEAL OF OBSOLETE LOCAL LAWS .....	20
9.1.5	LEASE – LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF “TOWN CONSTRUCTION FLY CAMP”, NEWMAN .....	24
9.1.6	ADOPTION OF SHIRE OF EAST PILBARA PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2012 .....	27
9.1.7	NEW DELEGATION - EXEMPTIONS UNDER CLAUSE 3.1(2) - PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2011 .....	30
9.1.8	SOCIAL AND ECONOMIC BENEFITS OF UPGRADING THE NEWMAN/MARBLE BAR ROAD .....	34
9.1.9	AMENDMENT TO STALL HOLDER AND STREET TRADINGS POLICY .....	36
9.1.10	FIREBREAK NOTICE .....	42
<b>9.2</b>	<b>DEPUTY CHIEF EXECUTIVE OFFICER .....</b>	<b>44</b>
9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - OCTOBER 2012 .....	44
9.2.2	AFFIXING THE COMMON SEAL TO THE NEWMAN AMATEUR SWIMMING CLUB LEASE FOR PORTION OF RESERVE 38788, LOT 2312, NEWMAN .....	47
9.2.3	PROPOSED AUDIT COMMITTEE MEETING DATES 2013 .....	51
9.2.4	PURCHASING AND TENDER PROCEDURES POLICY UPDATE .....	53
9.2.5	AFFIXING SHIRE OF EAST PILBARA COMMON SEAL TO THE PILBARA BUS SERVICE CONTRACT (RTBS CONTRACT NO. 2012002) .....	69
9.2.6	ASSET MANAGEMENT STRATEGY .....	72
9.2.7	DRAFT STRATEGIC COMMUNITY PLAN .....	74
9.2.8	ECONOMIC DEVELOPMENT AND TOURISM STRATEGY IMPLEMENTATION .....	77
9.2.9	NEWMAN TOMORROW DOCUMENT .....	80

---

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9.2.10	SHIRE OF EAST PILBARA COMMUNITY WELLBEING PLAN (2012) COMPILED BY SGS ECONOMICS AND PLANNING PTY LTD.....	82
9.2.11	ENDORSEMENT BY COUNCIL OF FUNDING SUBMISSIONS TO BHP BILLITON IRON ORE.....	84
9.2.12	ENDORSEMENT BY COUNCIL OF FUNDING SUBMISSIONS TO BHP BILLITON IRON ORE 2012/2013.....	86
9.2.13	MONTHLY FINANCIAL STATEMENTS SEPTEMBER 2012 .....	89
9.2.14	MONTHLY FINANCIAL STATEMENTS OCTOBER 2012.....	92
9.2.15	CREDITORS FOR PAYMENT.....	94
<b>9.3</b>	<b>DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES ...</b>	<b>97</b>
9.3.1	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - OCTOBER 2012.....	97
9.3.2	APPOINTMENT OF BUSH FIRE CONTROL OFFICER- MR WADE GOODHILL .....	102
9.3.3	AFFIX COMMON SEAL TO LICENCE AGREEMENT FOR SITE ACCESS AND CAR PARKING WITHIN KALGAN DRIVE, FORTESCUE AVENUE AND WELSH DRIVE ROAD RESERVE - MIA MIA STAGE 2 .....	104
9.3.4	ADOPTION OF AMENDED LOCAL PLANNING POLICY NO. 1 - EAST NEWMAN MASTER PLAN .....	106
9.3.5	FINAL ADOPTION OF LOCAL PLANNING POLICY NO. 9 - NEWMAN TOWN CENTRE STYLE GUIDE AND DESIGN GUIDELINES.....	110
9.3.6	FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 16.....	113
9.3.7	FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 17 AND OUTLINE DEVELOPMENT PLAN .....	116
9.3.8	PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 18.....	120
9.3.9	PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE (RIGHT OF WAY) - REAR OF LOT 251 COOKE STREET, NULLAGINE .....	124

---

9.3.10	PROPOSED RESIDENTIAL DWELLING WITH SUPPLEMENTARY ACCOMMODATION - LOT 37 HOMESTEAD RAMBLE, NEWMAN .....	128
9.3.11	PROPOSED TEMPORARY CARAVAN PARK - LOT 21 NEWMAN DRIVE, NEWMAN .....	131
9.3.12	DETERMINATION OF A PARKING STATION – NEWMAN AIRPORT.....	139
9.3.13	VARIATION TO TENDER 1/2011/12 AND CAPITAL EXPENDITURE GL 129056 .....	143
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>147</b>
<b>11</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL .....</b>	<b>147</b>
11.1	<b>QUEENS BIRTHDAY HOLIDAY ARRANGEMENTS FOR 2013-REQUEST FOR ALTERNATIVE DATES BE ACCEPTED AS AGENDA ITEM 11.1.1 .....</b>	<b>147</b>
11.1.1	QUEENS BIRTHDAY HOLIDAY ARRANGEMENTS FOR 2013 - REQUEST FOR ALTERNATIVE DATES .....	147
11.2	<b>USE OF NEWMAN RECREATION CENTRE BY A COMMERCIAL ENTITY BE ACCEPTED AS AGENDA ITEM 11.2.1 .....</b>	<b>152</b>
11.2.1	USE OF NEWMAN RECREATION CENTRE BY A COMMERCIAL ENTITY.....	152
<b>12</b>	<b>CONFIDENTIAL MATTERS BEHIND CLOSED DOORS .....</b>	<b>155</b>
<b>13</b>	<b>GENERAL BUSINESS.....</b>	<b>155</b>
13.1	<b>MARBLE BAR CATHOLIC CHURCH .....</b>	<b>155</b>
13.2	<b>ADSL IN MARBLE BAR .....</b>	<b>155</b>
13.3	<b>MARBLE BAR CHRISTMAS TREE.....</b>	<b>155</b>
13.4	<b>WOOLWORTHS ADVERTISING SIGN .....</b>	<b>155</b>
13.5	<b>LIVE CATTLE TRADE TO INDONESIA .....</b>	<b>155</b>
13.6	<b>WORK VISA.....</b>	<b>155</b>
13.7	<b>WALGA WEBSITE QUESTIONS.....</b>	<b>155</b>
13.8	<b>CONSTITUTION RECOGNITION.....</b>	<b>156</b>

---

13.9 MINISTER GRYLLS VISIT TO NEWMAN..... 156

14 DATE OF NEXT MEETING ..... 156

15 CLOSURE ..... 156

## 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman Cr Lynne Craigie declared the meeting open at 10:15 AM and welcomed the Visitors in the public gallery.

10:17 AM Cr Stephen Kiernan entered Chambers

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

### 2.1 ATTENDANCES

#### Councillors

Cr Lynne Craigie  
Cr Lang Coppin  
Cr Anita Grace  
Cr Shane Carter  
Cr Craig Hoyer  
Cr Gerry Parsons  
Cr Doug Stead  
Cr Kevin Danks  
Cr Stephen Kiernan

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  
Mr John Wilmot  
Mr Michael Plumb  
Mr Leon Van Erp

Iron Ore Holdings Ltd  
Global Interaction  
Western Desert Sports Council  
Western Desert Sports Council

### 2.2 APOLOGIES

#### Councillor Apologies

Cr Darren Bennetts

#### Officer Apologies

Nil

### 2.3 LEAVE OF ABSENCE

Nil



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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**5.1 MARTU CHRISTIAN FELLOWSHIP CHURCH FUTURE PLANS**

Mr John Wilmot on behalf of the Martu Christian Fellowship provided an update on the future plans for Lot 300 Cowra Drive, Newman located next to the Lion's Park.

The Chairman thanked Mr John Wilmot for the update.

10:41 AM *Mr John Wilmot left Chambers.*

10:41 AM *Cr Lang Coppin left Chambers.*

**5.2 IRON VALLEY PROJECT – IRON ORE HOLDINGS**

10:44 AM *Cr Lang Coppin returned to the Chambers*

Mr Michael Klvac provided a presentation to Council on the development of an iron ore mine in the East Pilbara. Iron Valley Project is approximately 90km north-west of Newman and 150km east of Tom Price.

The Chairman thanked Mr Klvac for the presentation.

11:14 AM *Mr Michael Klvac left Chambers.*

**5.3 PROPOSAL TO GRASS THE NULLAGINE / IRRUNGADJI OVAL**

A presentation provided to Council by Mr Michael Plumb and Mr Leon Van Erp, about the Western Desert Sports Council (WDSC) and the proposal to grass the Nullagine / Irrungadji Oval.

The Chairman thanked Mr Michael Plumb and Mr Leon Van Erp regarding the proposal.

11:45 AM *Cr Lang Coppin left Chambers.*

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

**7.1 CONFIRMATION OF MINUTES**

[Minutes October 26 2012 Council.DOCX](#)

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/216**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Anita Grace**

**THAT the minutes of the Ordinary Meeting of Council held on 26 October 2012, be confirmed as a true and correct record of proceedings.**

**CARRIED  
RECORD OF VOTE: 8 – 0**

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

**7.2 PILBARA REGIONAL COUNCIL MINUTES**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/217**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Anita Grace**

**THAT the minutes of the Pilbara Regional Council Ordinary Meeting held on 22 October 2012, be received.**

**CARRIED  
RECORD OF VOTE: 8 – 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**

Cr Stephen Kiernan

- Attended Marble Bar Community Resource Centre Meeting.
- Attended Nullagine Community Resource Centre Meeting.
- Attended Meeting with the Marble Bar Principal.
- Attended Marble Bar School Concert.

Cr Craig Hoyer

- Attended LEMC Meeting 06/12/2012.
- Attended Remembrance Day Ceremony 11/11/2012.
- Attended Community Stake Holders Christmas Function 04/12/2012.

Cr Shane Carter

- Attended 2012 Australian Airport Association Conference and Workshop in Melbourne.

Cr Anita Grace

- Attended 2012 Australian Airport Association Conference and Workshop in Melbourne.
- Attended / Presided Australian Citizenship.
- Attended Remembrance Day Ceremony 11/11/2012

Cr Gerry Parsons

- Attended Community Stake Holders Christmas Function 04/12/2012.
- Attended Civic Centre Review Workshop
- Attended Newman Recreation Centre Management Meeting.
- Attended Meet and Greet at Newman Boulevard Shopping Centre.
- Attended Remembrance Day Ceremony 11/11/2012

Cr Lynne Craigie

- WALGA State Council Meeting.
- WALGA Co-Chair Meeting.
- WALGA Strategic Forum.
- WALGA Paul Everingham Presentation.
- Japanese CLAIR visit to Japan for 11Days.
- Pilbara Regional Council meeting with Cliff Winfield and Associates.
- Pilbara Regional Council Audit Committee meeting.
- Pilbara Regional Council Meeting December 2012 – Karratha.
- Radio interview at ABC Karratha.
- Attended Newman Civic Centre Meeting.
- Attended Horizon Power Strategy Planning Day.
- Attended Opening of Iron Ore Parade by Minister Grylls
- Attended Opening of Soccer Club Rooms Boomerang Oval by Minister Grylls.
- Attended Opening of the Pilbara Swimming Championships in Newman.
- Presentation of medals at the Pilbara Swimming Championships.
- Attended Martumili Artist Christmas Sale Opening Night.
- Attended Meet and Greet at Newman Boulevard Shopping Centre.
- Attended Remembrance Day Ceremony 11/11/2012
- Attended National Roads Congress in Hobart.
- Attended Meeting with Minister B Grylls re: Accommodation.
- Attended Meeting with rate payer re: animal complaint.
- Attended Building Management Committee Meeting regarding Newman House.
- Meeting with Investment Group with discussions on Shires future vision for town.
- Attended Meeting at Parliament House with Minister B Grylls.

## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS – OCTOBER 2012

**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

11:47 AM Cr Lang Coppin returned to the Chambers

11:47 AM Cr Stephen Kiernan left the Chambers

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### REPORT PURPOSE

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

### BACKGROUND

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

### COMMENTS/OPTIONS/DISCUSSIONS

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

### POLICY IMPLICATIONS

Nil

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**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

*To Provide Sound Leadership and Strong Representation*

3.2 Improve Community Engagement

3.2.1 *Encourage community participation in the decision making processes undertaken by the Shire*

*Continuing role*

*How funded – Municipal Funds*

*Responsible Directorate – Executive*

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/218**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Shane Carter**

**THAT the "Status of Council Decisions" – Chief Executive Officer for October 2012 be received.**

**CARRIED  
RECORD OF VOTE: 8 – 0**

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

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

**7 DECEMBER, 2012**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
24 August 2012	9.1.5	SHIRE OF EAST PILBARA DRAFT PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2012	CES	Advertised – Submissions closed 7 November 2012. See separate agenda item	December 2012
24 August 2012	13.10	LANEWAY BETWEEN PRIMARY SCHOOL AND HIGH SCHOOL Cr Gerry Parsons asked who is responsible for the laneway between the South Newman Primary School and Newman High School. The laneway needs to be cleaned up and/or closed. Mr Allen Cooper responded saying that the High School is responsible for the laneway. Mr Allen Cooper will write to the High School asking that the laneway be cleaned up and/or closed.	CEO	Letter sent 21/09/2012 still waiting on response – MCW has met with the high school principal.	On Going
28 September 2012	11.2.1	CHANGE THE PURPOSE OF THE MANAGEMENT ORDER FOR LOT 1419 – NEWMAN VISITORS CENTRE	CPS	Letter sent to RDL for Change of Purpose	
28 September 2012	13.5	INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman.	CEO	To be followed up	

**9.1.2 RESPONSIBILITY FOR CONDUCTING EXTRAORDINARY LOCAL  
GOVERNMENT ELECTION – CENTRAL WARD**

**File Ref:** CLR-2-2  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider the date, 28<sup>th</sup> February 2013, for conducting an extraordinary election and consider appointing the Electoral Commissioner to conduct the extraordinary election as a postal voting election.

**BACKGROUND**

On 17<sup>th</sup> October 2012, Sue Owen resigned as Councillor of the Central Ward, effective immediately. The Western Australian Electoral Commission have been informed of this tentative date and have forwarded a written agreement to conduct the extraordinary election as per section 4.20(4) of the *Local Government Act 1995* ("the Act").

**COMMENTS/OPTIONS/DISCUSSIONS**

The resignation of a Councillor may trigger the necessity of an extraordinary election, dependant on circumstances. The Electoral Commission have advised that the resignation of Sue Owen will, in this case, necessitate an extraordinary election.

Pursuant to section 4.9 of the Act, the President or Council must set a date for the election within 4 months after the vacancy occurs, unless the Electoral Commissioner approves otherwise. The date of 28<sup>th</sup> February 2013 for conducting the election is outside the 4 month period stipulated in the Act. We have sought the Electoral Commissioner's approval to hold the election on this date, and he has approved this date.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 2 – Constitution of local government (Division 6 – Terms of office on the council and vacation of office) 2.32. How extraordinary vacancies occur in offices elected by electors (pg 33)

Part 4 – Elections and other polls (Division 4 – Extraordinary elections) 4.8. Extraordinary elections (pg 85)

Part 4 – Elections and other polls (Division 4 – Extraordinary elections) 4.9. Election Day for extraordinary election (pg 86)



Part 4 – Elections and other polls (Division 7 – Provisions about electoral officers and the conduct of elections) 4.20. CEO to be returning officer unless other arrangements made (pg 91)

Part 4 – Elections and other polls (Division 9 – Electoral process) (Subdivision 5 – Stage 4: Preparing for voting) 4.61. Choice of methods of conducting election (pg 112)

### **POLICY IMPLICATIONS**

Nil.

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

3.1 Representation

### **FINANCIAL IMPLICATIONS**

The Western Australian Electoral Commission has advised that the estimated cost to conduct the extraordinary election would be \$8,000 incl GST. This can be funded from account 41019 which has a budget of \$15,000.

### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/219**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Craig Hoyer**

**THAT Council**

- 1. Accept the 28<sup>th</sup> February 2013 as the election day for the Extraordinary Election necessary owing to the resignation of Sue Owen, Councillor for the Central Ward;**
- 2. In accordance with section 4.20(4) of the *Local Government Act 1995*, Council declare the Electoral Commissioner to be responsible for the conduct of the 28<sup>th</sup> February 2013 Extraordinary Election; and**
- 3. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.**

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

***To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.***

### 9.1.3 AMENDMENT TO CITIZENSHIP CEREMONIES POLICY

File Ref:	LEG-2-1
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

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### REPORT PURPOSE

For Council to consider an amendment to the Citizenship Ceremonies Policy.

### BACKGROUND

Council discussed this Policy at Corporate Discussion on 28 July 2012.

The changes are needed to bring the policy in line with current legislation, and to amend the preferred dates for citizenship ceremonies being; Australia Day, 26 January and Citizenship Day, 17 September.

### COMMENTS/OPTIONS/DISCUSSIONS

The amended policy is **attached**.

Council can adopt, amend or reject the policy.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

### POLICY IMPLICATIONS

New Policy Making Guidelines:

1. Draft policies are to be in standard format and include policy objectives and the policy statement.
2. Discuss reasons for the policy with your supervisor and prepare an amended/final draft.
3. The Policy is to be presented and discussed at the Executive Management Meeting.
4. The Policy is to be presented at Corporate Discussion for input from Councillors.
5. The Policy will then be presented to Council for adoption and inclusion in the Policy Manual.

Note: New Policies or major amendments will not be permitted at the annual review of the Policy Manual.

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## PLAN FOR FUTURE OF THE DISTRICT

### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities.  
A greater than 90% compliance achievement in the annual compliance audit  
How funded – Municipal Funds  
Responsible Directorate – Whole of Organisation

### FINANCIAL IMPLICATIONS

No financial resource impact.

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/220**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Anita Grace**

**THAT Council adopt the amended Citizenship Ceremonies Policy, as attached.**

**CARRIED  
RECORD OF VOTE: 8 – 0**

*To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.*

## 6.2 CITIZENSHIP CEREMONIES

Minute No: 9.1.6  
9.1.3

Date: 8<sup>th</sup> February 2002  
8<sup>th</sup> December 2006  
23<sup>rd</sup> October 2009  
7<sup>th</sup> December 2012

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### Objective

To ensure that persons who are to be conferred Australian Citizenship are provided with a memorable and dignified ceremony and to ensure that the Council **fulfils** the requirements of the *Australian Citizenship Act 2007 (the Act)* and the *Australian Citizenship Regulations 2007 (the Regulations)*.

### Policy

A Citizenship Ceremony is the opportunity to welcome new citizens as formal members of the Australian community and the Shire of East Pilbara.

The acquisition of Australian Citizenship is a very important milestone in a person's life and as such is an occasion of celebration. The Shire of East Pilbara will conduct a meaningful, dignified and memorable ceremony to mark the occasion of the acquisition of Australian Citizenship by residents of the Shire.

There are two significant days for Australian Citizenship. These days are:

1. **Australia Day – 26<sup>th</sup> January (Newman Aquatic Centre) ; and**
2. **Citizenship Day – 17<sup>th</sup> September at a venue to be confirmed (depends on numbers).**

Where a ceremony cannot be held in conjunction with the above dates, alternative dates may be arranged, although it is preferred that all candidates adhere to the two given dates.

All ceremonies are to be conducted by the Shire President, or in his/her absence the Deputy President or in his/her absence another Councillor, (preferably the relevant Ward member).

(For the purpose of this policy this person is referred to as the Presiding Officer.)  
Candidates may invite up to three family members or friends, or more than three if the family group is of a greater number. The candidate is required to advise Administration before the ceremony, the number of people attending and dietary requirements.

The ceremony will be conducted in a manner outlined in the Australian Citizenship Ceremonies Handbook 2008 and in accordance with the following criteria:

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1. The Presiding Officer will welcome the candidates and their families and friends and introduce dignitaries present, (Councillors, Officers, and Invited Guests). Opening Address, including acknowledging the traditional owners.
2. The Presiding Officer will read aloud the message from the Minister for Immigration and Citizenship.
3. The Presiding Officer will read aloud the opening preamble.
4. The Presiding Officer will call the candidates individually or together to read the oath or affirmation.
5. The Presiding Officer will give the candidates a framed certificate and present them with an Australian gift. (The Presiding Officer is to sign all documents prior to the ceremony.)
6. The Presiding Officer will then advise the new citizens of the electoral enrolment procedure.
7. The Presiding Officer is to read aloud a brief speech congratulating the candidates and welcoming them to Australia and the Shire of East Pilbara. The Presiding Officer may call upon an invited guest to make a small welcoming speech.
8. The Presiding Officer asks all present to stand for the Australian National Anthem.
9. The Presiding Officer concludes the ceremony with a Closing Address and invites the candidates and his/her guests to partake of Council's hospitality along with Councillors, Officers and invited guests.

To ensure that an appropriate record of the ceremony is maintained, the Council will ensure that photographs are taken of candidates in the ceremony. At the completion of the ceremony a photo of each candidate, together with the Shire President and relevant Ward member/s, will be taken. A copy of the photo shall be provided to the candidate free of charge.

The Shire President/Councillor is to ensure that they are appropriately attired and that the ceremony is undertaken in a dignified manner. A reasonable level of hospitality will be provided to the candidate/s.

#### 9.1.4 REPEAL OF OBSOLETE LOCAL LAWS

**File Ref:** LEG-5-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To obtain Council approval for the release of the Shire of East Pilbara draft Repeal Local Law 2012.

#### BACKGROUND

On 23 July 2010, Council resolved:

*“THAT Council, pursuant to section 3.12 of the Local Government Act 1995, give statewide public notice that it intends to make the Shire of East Pilbara Repeal Local Law 2010, as contained in the Attachment, the purpose of which is to repeal superfluous, defunct and obsolete local laws; with the effect of being more efficient and effective local government by removing outdated local laws from the public record.”*

That resolution commenced the local law making process pursuant to section 3.12 of the *Local Government Act 1995*. However, since that time Council has conducted a review of all its remaining local laws. On 24 June 2011, Council resolved to:

2. *Repeal the Signs, Hoardings and Bill Posting Local Law 2002, subject to a new local law OR local planning scheme being adopted at a later date.*
3. *Repeal the Firebreaks Local Law 2000, subject to a Firebreak Notice/s being published in the Government Gazette.”*

The Shire of East Pilbara Town Planning Scheme No. 4 already requires that a planning application be submitted for all signs. Therefore, there is no need to implement a new local planning policy at this stage. It is now appropriate to repeal the *Signs, Hoardings and Bill Posting Local Law 2002*.

A Firebreak Notice has already been prepared for Council's consideration (under separate agenda item). If Council approves this Firebreak Notice, it will be published in the *Government Gazette*. At which time, it will be appropriate to repeal the *Firebreaks Local Law 2000*.

### COMMENTS/OPTIONS/DISCUSSIONS

Pursuant to section 3.12(2) of the *Local Government Act 1995* (the Act), Council must consider the purpose and effect of the proposed local law before advertising the proposed local law for public comment.

The purpose of this local law is to repeal superfluous, defunct and obsolete local laws.

The effect of this local law is to be a more efficient and effective local government by removing outdated local laws from the public record.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 – Functions of local governments (Division 2 – Legislative functions of local governments) (Subdivision 2 – Local laws made under any Act) 3.12. Procedure for making local laws (pg 44).

### POLICY IMPLICATIONS

Nil.

### PLAN FOR FUTURE OF THE DISTRICT

#### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

### FINANCIAL IMPLICATIONS

Costs involved are administrative and advertising. It is estimated that the cost of advertising would be \$500 and can be funded from Account 41146.

### VOTING REQUIREMENTS

Simple.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/221

**MOVED:** Cr Doug Stead

**SECONDED:** Cr Shane Carter

**THAT Council approve the release of the Shire of East Pilbara draft Repeal Local Law 2012, as attached, for public comment for a period of six (6) weeks.**

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

***To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.***

SHIRE OF EAST PILBARA

REPEAL LOCAL LAW 2012

*Local Government Act 1995*

SHIRE OF EAST PILBARA

**REPEAL LOCAL LAW 2012**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the local government of the Shire of East Pilbara resolved on [INSERT DATE] to make the following local law.

**1 Citation**

This local law is the *Shire of East Pilbara Repeal Local Law 2012*.

**2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3 Purpose and effect**

- (1) The purpose of this local law is to repeal superfluous, defunct and obsolete local laws.
- (2) The effect of this local law is to be a more efficient and effective local government by removing outdated local laws from the public record.

**4 Repeal**

The following local laws are repealed –

- (a) *Prevention of Damage to Roads (Marble Bar)*, as published in the *Government Gazette* on 21 September 1951;
- (b) *Prevention of Damage to Roads (Nullagine)*, as published in the *Government Gazette* on 21 September 1951;
- (c) *Caravan Parks – Draft Model No. 2*, as published in the *Government Gazette* on 8 April 1964;
- (d) *By-laws Relating to Long Service Leave*, as published in the *Government Gazette* on 7 November 1972;
- (e) *Long Service Leave*, as published in the *Government Gazette* on 19 January 1979;
- (f) *Adoption of Draft Model By-laws Relating to Signs, Hoardings and Bill Posting No. 13*, as published in the *Government Gazette* on 16 April 1982;
- (g) *Adoption of Draft Model By-laws Relating to Removal and Disposal of Obstructing Animals or Vehicles No. 7*, as published in the *Government Gazette* on 30 April 1982;
- (h) *Adoption of Draft Model By-laws Relating to Model By-laws (Standing Orders) Amendment By-laws 1981*, as published in the *Government Gazette* on 3 June 1983;
- (i) *By-laws Relating to Amusements*, as published in the *Government Gazette* on 19 August 1983;
- (j) *By-laws Relating to Parking Facilities*, as published in the *Government Gazette* on 4 January 1985;



SHIRE OF EAST PILBARA

REPEAL LOCAL LAW 2012

- (k) *By-laws Relating to Fencing and Obstructions at Intersections*, as published in the *Government Gazette* on 9 August 1996;
- (l) *Local Laws Relating to the Removal and Disposal of Obstructing Animals or Vehicles*, as published in the *Government Gazette* on 10 June 1997;
- (m) *Local Laws Relating to Parking Facilities*, as published in the *Government Gazette* on 10 June 1997;
- (n) *Local Laws Relating to Firebreaks*, as published in the *Government Gazette* on 22 February 2000;
- (o) *Health Amendment Local Laws 2000*, as published in the *Government Gazette* on 10 November 2000;
- (p) *Activities on Thoroughfares and Public Places Amendment Local Law 2001*, as published in the *Government Gazette* on 8 June 2001;
- (q) *Local Government Property Amendment Local Law 2001*, as published in the *Government Gazette* on 8 June 2001;
- (r) *Local Law (Signs, Hoardings and Bill Posting)*, as published in the *Government Gazette* on 27 August 2002;
- (s) *Signs, Hoardings and Bill Posting Amendment Local Law*, as published in the *Government Gazette* on 6 May 2003; and
- (t) *Health Amendment Local Laws 2003*, as published in the *Government Gazette* on 30 May 2003.

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Dated: [INSERT DATE]

The Common Seal of the Shire of East Pilbara was affixed by the authority of a resolution of the local government in the presence of –

LYNNE CRAIGIE, Shire President

ALLEN COOPER, Chief Executive Officer

**9.1.5 LEASE – LOT 600 ON DEPOSITED PLAN 71690 FOR THE PURPOSE OF  
“TOWN CONSTRUCTION FLY CAMP”, NEWMAN**

**File Ref:** A700807  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

12:00 PM Cr Stephen Kiernan returned to the Chambers

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**REPORT PURPOSE**

For Council to REVOKE part of a resolution adopted by Council at its Ordinary Meeting held on 25 May 2012 (Item 11.3.1), and for Council to make a formal resolution to not accept the lease of Lot 600 on Deposited Plan 71690 for the purpose of “Town Construction Fly Camp”, Newman (“the Lease”).

**BACKGROUND**

At its meeting on 25 May 2012, Council considered this matter and resolved to:

*“THAT Council:*

- 1. Proceed with the excision of a portion of Reserve 41654 being Lot 511 Newman Drive, Newman and enter into a lease for such portion for the purposes of a “Town Building Construction Fly Camp” and advises State Land Services accordingly of such request and the specific portion to be excised;*
- 2. Accepts the proposed rental as being 25% of the current ‘unimproved’ market rental rate as determined by the Valuer General’s Officer;*
- 3. Upon acceptance of Council’s resolution by State Land Services and the preparation of the necessary lease documents, Council undertakes any necessary requirements of it with regards to the Local Government Act 1995 or other legislation.”*

Council has already proceeded with the excision of a portion of Reserve 41654 (being Lot 511 Newman Drive, Newman). Megara Developments and NicheQ have both been granted a Section 91 Licence by the State Land Services to allow early access to the site. Council have approved developments by both Megara and NicheQ on this site (see Council Minutes 22 June 2012, Item 11.1.1 and 26 October 2012, Item 9.3.8 respectively).

## COMMENTS/OPTIONS/DISCUSSIONS

On 1 November 2012, the CEO received the Lease from the Department of Regional Development and Lands. Having reviewed the terms of the Lease, it is considered that Council should not accept the Lease.

As previously mentioned to Council, the proposed rental would be 25% of the 'unimproved' market rental rate, as determined by the Valuer General's Office. The Valuer General has assessed that 25% of the market rental rate would be \$132,500.00 per annum. Over a five year lease, this amounts to \$662,500.00. It is considered that this figure is too high.

It is also considered that Council may be unable to fully meet all its obligations under the Lease and the *Local Government Act 1995* due to a lack of resources. The Shire would be responsible for monitoring the use of the land and ensuring compliance with various local government regulations. If we are unable to do this, it would lead to compliance issues.

The purpose of excising the land and obtaining a lease from the State Government was to have an area set aside for a construction workers camp of 30,000m<sup>2</sup>. The land has already been excised and there is no reason why the proponents can't deal directly with the State. This would save the Shire entering into a lease with the State and then again entering into sub-leases with the proponents. It will achieve the aims that the Shire set out to do, whilst also conserving Shire resources and funds.

## STATUTORY IMPLICATIONS/REQUIREMENTS

### ***Local Government (Administration) Regulations 1996***

Part 2 – Council and committee meetings – regulation 10. Revoking or changing decisions (Act s5.25(1)(d)).

## POLICY IMPLICATIONS

Nil.

## PLAN FOR FUTURE OF THE DISTRICT

### **Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

## FINANCIAL IMPLICATIONS

If Council approves this resolution, Council will have an extra \$132,500.00 per annum it would otherwise be paying towards this Lease.

## VOTING REQUIREMENTS

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council**

1. Consider revoking part of its resolution adopted by Council at its Ordinary Meeting on 25 May 2012 (Item 11.3.1).
2. In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*, as referred to in section 5.25(1) of the *Local Government Act 1995*, the Council resolves to revoke part of its resolution adopted by Council at its Ordinary Meeting on 25 May 2012 (Item 11.3.1).
3. Moves a motion to revoke the decision by deleting the following:
  - “1. ...and enter into a lease for such portion for the purposes of a “Town Building Construction Fly Camp”...
  2. Accepts the proposed rental as being 25% of the current ‘unimproved’ market rental rate as determined by the Valuer General’s Office;
  3. Upon acceptance of Council’s resolution by State Land Services and the preparation of the necessary lease documents, Council undertakes any necessary requirements of it with regards to the *Local Government Act 1995* or other legislation.”
4. Not accept the Lease of Lot 600 on Deposited Plan 71690 for the purposes of “Town Construction Fly Camp”, Newman, and advise the Department of Regional Development and Lands accordingly.

**COUNCIL RESOLUTION: 201213/222**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Doug Stead**

**THAT Council**

1. Advise State Land Services that it does not support the change of purpose for Lot 600 from “Town Building Construction Fly Camp” to “Construction Camp”.
2. Defer the consideration of the acceptance of the lease of Lot 600 on deposited plan 71690 until the 8<sup>th</sup> February 2013 meeting of Council.

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 9 - 0**

**Reason for Non Acceptance of Officer’s Recommendation:  
Further Consideration by Council.**

***To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.***

**9.1.6 ADOPTION OF SHIRE OF EAST PILBARA PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2012**

**File Ref:** LEG-5-7  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

12:02 PM Cr Anita Grace left Chambers.

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**REPORT PURPOSE**

For Council to adopt the Shire of East Pilbara Public Places and Local Government Property Amendment Local Law 2012.

**BACKGROUND**

At its meeting on 24 August 2012, Council resolved:

*“THAT Council approve the release of the Shire of East Pilbara draft Public Places and Local Government Property Amendment Local Law 2012 for public comment for a period of six (6) weeks.”*

On 19 September 2012, the public was given notice that the Shire of East Pilbara proposed to make a local law amending the Public Places and Local Government Property Local Law 2011. Notice was given in the West Australian newspaper, the North West Telegraph newspaper, and on local public notice boards. Submissions closed on Wednesday 7 November 2012. No submissions were received.

**COMMENTS/OPTIONS/DISCUSSIONS**

On 25 September 2012, a copy of the proposed local law was sent to the Department of Local Government for their comments (as required by section 3.12 (3)(b) of the *Local Government Act 1995*).

On 5 November 2012, the Department of Local Government provided their comments. No major issues were found and no changes were made to the proposed local law.

COMMENTS:



Dear Mr Cooper,

The Department has considered the draft copy of the *Shire of East Pilbara Public Places and Local Government Property Amendment Local Law 2012*.

No major issues were found. It also appears that the proposed local law will satisfy the undertakings that were requested by the Joint Standing Committee on Delegated Legislation.

**Minister's Directions – pursuant to s. 3.12(7) of the LG Act 1995**

**Please note:** Once the Shire has published a local law in the *Government Gazette*, you must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire, within ten working days of the gazettal publication date, needs to forward the signed EM material to the Committee at the current address -

Committee Clerk  
Joint Standing Committee on Delegated Legislation  
Legislative Council Committee Office  
GPO Box A11  
PERTH WA 6837

Tel: 9222 7300 Fax: 9222 7805

E-mail: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)

A copy of the Minister's Directions and EM forms can be downloaded from the Department's webpage at [www.dlg.wa.gov.au](http://www.dlg.wa.gov.au). Failure to comply with the Directions may render the local law inoperable.

My comments:

- have been provided to assist you with drafting matters;
- do not constitute legal advice;
- have been provided in good faith for your consideration; and
- should not be taken as an approval of content.

You should ensure that your proposed local law has had a detailed editorial analysis, and that the content is in accordance with your Council's policies and objectives.

Regards

**Steven Elliott**

Senior Legislation Officer  
Legislation

Department of Local Government

Tel: +61 8 6552 1642

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Email: [Steven.Elliott@dlg.wa.gov.au](mailto:Steven.Elliott@dlg.wa.gov.au)

Web: [www.dlg.wa.gov.au](http://www.dlg.wa.gov.au)

## STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 2 - Legislative functions of local governments) (Subdivision 2 - Local laws made under any Act) 3.12. Procedure for making local laws (pg 44).

Part 3 - Functions of local governments (Division 2 - Legislative functions of local governments) (Subdivision 2 - Local laws made under any Act) 3.13. Procedure where significant change in proposal (pg 46).

## POLICY IMPLICATIONS

### 4.5 EXECUTION OF DOCUMENTS

#### Objective

To allow for the proper execution of documents.

#### Policy

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

## PLAN FOR FUTURE OF THE DISTRICT

### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

## FINANCIAL IMPLICATIONS

Costs involved in adopting this local law are administrative, advertising and publishing in the *Government Gazette*. It is estimated that the cost involved will be approximately \$500 and can be funded from account numbers 41146 and 51084.

## VOTING REQUIREMENTS

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/223**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Gerry Parsons**

**THAT Council adopt the Shire of East Pilbara Public Places and Local Government Property Amendment Local Law 2012, be gazetted and the common seal be affixed to the local law.**

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

***To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.***

**9.1.7 NEW DELEGATION - EXEMPTIONS UNDER CLAUSE 3.1(2) - PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2011**

**File Ref:** LEG-2-6  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to authorise a new delegation to the Chief Executive Officer (CEO); Exemptions under clause 3.1(2) – *Public Places and Local Government Property Local Law 2011*.

**BACKGROUND**

On 6 August 2012, the CEO received a letter from the Newman Capricorn Girl Guides, seeking an exemption from the cost of Shire licence fees for food/trade permits. At its meeting on 28 September 2012, Council made the following resolution:

*“THAT Council:*

- 1. Exempt the Capricorn Newman Girl Guides from subclause (1) of clause 3.1 of the Public Places and Local Government Property Local Law 2011, being the requirement to obtain a trading licence; and*
- 2. Direct staff to prepare an instrument (policy or delegation) to allow an exemption for charitable or community organisations from the requirement of clause 3.1 of the Shire of East Pilbara Public Places and Local Government Property Local Law 2011.”*

As a result of this resolution, a new delegation has been drafted to allow the CEO to make decisions, on behalf of Council, as to whether a person or group shall be exempt from the requirement of clause 3.1(1) of the *Public Places and Local Government Property Local Law 2011* to obtain a licence and pay the appropriate fees.

**COMMENTS/OPTIONS/DISCUSSIONS**

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:



**Exemptions under clause 3.1(2) – *Public Places and Local Government Property Local Law 2011***

**Delegation From:** Council  
**Delegation To:** Chief Executive Officer  
**Sub-Delegation To:** Nil  
**Council File Reference:** LEG-2-6  
**Legislative Authority for Delegation:**  
ss5.42 and 5.43 *Local Government Act 1995*

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**Delegation**

To determine persons or groups which may be exempt, under clause 3.1(2) of the Shire of East Pilbara *Public Places and Local Government Property Local Law 2011*, from the requirement in clause 3.1(1) of that same local law to obtain a licence and pay the applicable fees.

**Authority for exercise of Delegation**

Cl 3.1(2) Shire of East Pilbara *Public Places and Local Government Property Local Law 2011*.

**Conditions attached to Delegation**

- Every person or group seeking an exemption under clause 3.1(2) of the *Public Places and Local Government Property Local Law 2011*, must apply in writing in a form approved by the Shire.
- Although that person or group may be exempted from paying the appropriate application fees, they will still be required to complete the appropriate forms for the application for licence.
- Exemptions will only be available to persons or groups based in the Shire of East Pilbara which positively contribute to the wellbeing of the community.
- Exemptions will not be available to State or Federal Agencies or profit organisations.

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

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

**Delegatee** \_\_\_\_\_

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

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

**POLICY IMPLICATIONS**

**8.7 STALLHOLDERS AND STREET TRADING POLICY**

## PLAN FOR FUTURE OF THE DISTRICT

### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.  
A greater than 90% compliance achievement in the annual compliance audit  
How funded – Municipal Funds  
Responsible Directorate – Whole of Organisation

### FINANCIAL IMPLICATIONS

If Council passes this resolution, the CEO has the ability to exempt persons or groups from the requirement to pay the applicable fees for food/trade permits. The current fees are set out as follows:

#### Temporary Food Permit for Not for Profit Community Groups & Trading in Public Places

Schedule of fees and charges	Need to add GST?	Fee/charge exclusive of GST	GST	Fee/charge inclusive of GST	Comments
Daily fee for Junior Sporting or Community Organisations	No	\$20.00	\$0.00	\$20.00	Daily
Seasonal Fee for Junior Sporting or Community Organisations	No	\$100.00	\$0.00	\$100.00	Within any calendar year
Seasonal Fee for Senior Sporting or Community Organisations	No	\$200.00	\$0.00	\$200.00	Within any calendar year

### VOTING REQUIREMENTS

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/224**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council approve a new delegation to the Chief Executive Officer; Exemptions under clause 3.1(2) – *Public Places and Local Government Property Local Law 2011*, as detailed below.**

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

***To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.***

**Exemptions under clause 3.1(2) – *Public Places and Local Government Property Local Law 2011***

**Delegation From:** Council  
**Delegation To:** Chief Executive Officer  
**Sub-Delegation To:** Nil  
**Council File Reference:** LEG-2-6  
**Legislative Authority for Delegation:**  
ss5.42 and 5.43 *Local Government Act 1995*

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**Delegation**

To determine persons or groups which may be exempt, under clause 3.1(2) of the Shire of East Pilbara *Public Places and Local Government Property Local Law 2011*, from the requirement in clause 3.1(1) of that same local law to obtain a licence and pay the applicable fees.

**Authority for exercise of Delegation**

Cl 3.1(2) Shire of East Pilbara *Public Places and Local Government Property Local Law 2011*.

**Conditions attached to Delegation**

- Every person or group seeking an exemption under clause 3.1(2) of the *Public Places and Local Government Property Local Law 2011*, must apply in writing in a form approved by the Shire.
- Although that person or group may be exempted from paying the appropriate application fees, they will still be required to complete the appropriate forms for the application for licence.
- Exemptions will only be available to persons or groups based in the Shire of East Pilbara which positively contribute to the wellbeing of the community.
- Exemptions will not be available to State or Federal Agencies or profit organisations.

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

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

**Delegatee** \_\_\_\_\_

**9.1.8 SOCIAL AND ECONOMIC BENEFITS OF UPGRADING THE  
NEWMAN/MARBLE BAR ROAD**

**File Ref:** TCH-12-4  
**Attachments:** [Social and Economic Benefits of Upgrading the Newman Marble Bar Road pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

12:04 PM Cr Anita Grace returned to the Chambers

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**REPORT PURPOSE**

For Council to adopt the "Social and Economic Benefits of Upgrading the Newman/Marble Bar Road (M030)" document.

**BACKGROUND**

For many years, the Shire of East Pilbara has been pushing for upgrade and construction of a sealed road from Marble Bar to Newman (through Nullagine). The road is a key economic artery that services mining and pastoral industry and towns north of Newman, being Nullagine and Marble Bar, and also provides a connection to Port Hedland and towns further north. The road is not only used by locals and visitors to the area, but trucks and heavy haulage vehicles servicing the mining industry. For this reason, the road has become unsafe and is well overdue for an upgrade and construction of sealed sections.

**COMMENTS/OPTIONS/DISCUSSIONS**

This document has been developed as a submission, to be provided to politicians and the like, who are visiting the area. The purpose of this document is to outline the reasons why the road needs to be upgraded / constructed as a matter of urgency, and the benefits of doing so. It will be used as a lobbying tool to urge the State Government to provide immediate funding for this project.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

Nil.

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**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

3.1 Representation

- 3.1.1 Actively lobby on behalf of the interests of the East Pilbara Region.  
Continuing role  
How funded – Municipal Funds  
Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/225**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council adopt the “Social and Economic Benefits of Upgrading the Newman/Marble Bar Road (M030)” document.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

*To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.*

### 9.1.9 AMENDMENT TO STALL HOLDER AND STREET TRADINGS POLICY

**File Ref:** LEG-2-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

For Council to consider an amendment to the Stall Holder and Street Tradings Policy.

#### BACKGROUND

On 27 April 2012, Council adopted the Stall Holder and Street Tradings Policy. That policy was amended on 25 May 2012, to bring it in line with the Shire of East Pilbara's *Public Places and Local Government Property Local Law 2011*.

Despite this amendment, there were still some references in the policy to the now repealed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*. The Stall Holder and Street Tradings Policy should be amended to ensure that it fully aligns with current Shire local laws in particular, the *Public Places and Local Government Property Local Law 2011*.

#### COMMENTS/OPTIONS/DISCUSSIONS

The amended policy is **attached**.

Council can approve, disapprove or amend the policy.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

#### POLICY IMPLICATIONS

### 8.7 STALLHOLDERS AND STREET TRADING POLICY

#### PLAN FOR FUTURE OF THE DISTRICT

##### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.  
A greater than 90% compliance achievement in the annual compliance audit

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How funded – Municipal Funds  
Responsible Directorate – Whole of Organisation

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/226**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Gerry Parsons**

**THAT Council adopt the amended Stall Holder and Street Tradings Policy, as attached.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

*To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.*

## 8.7 Stall Holder and Street Tradings

**Minute No:** 9.1.6  
9.1.9

**Date:** 27/04/2012  
07/12/2012

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### **Objective**

- To provide for the orderly operation of temporary trading activities within the Shire of East Pilbara and compliance with the requirements of Council's Local Laws;
- To ensure that temporary trading activities are carried out in a manner so as not to detract and/or cause harm to the amenity of public places and safety of pedestrians and residents;
- To provide a service or commodity to the community without undue disruption to traffic or pedestrians;
- To provide clarity and guidance with regards to the preparation and assessment of Stallholder and Trader's Permits.

### **Application:**

- This policy is to be read in conjunction with Council's Local Law relating to *Public Places and Local Government Property Local Law 2011*;
- Where there is a discrepancy between this Policy and the Local Law, the Local Law shall prevail for the extent of such discrepancy;
- Shire employees shall have due regard to both Local Law and this Policy when assessing such application(s) made under the Local Law.

### **APPLICATION TO CONDUCT A STALL OR TRADE IN A PUBLIC PLACE:**

All applications to conduct a Stall or Trade in a public place should be lodged with the Shire at least **10 days prior** to the first day of intended trading with the exception of those applications to cater at Public Events which must be lodged **at least 4 weeks before the event**. (Late fees may apply to late applications)

All applications must be made on the prescribed form as prepared by the Shire's Environmental Health section and shall include all details as stated on the form including:

- The appropriate application fees as periodically adopted in the Shire of East Pilbara's Fees and Charges Schedule and/or any applicable legislative provision, except in the case of food businesses conducted as fundraising events and exempted in accordance with the provisions of Section 109 of the Food Act 2008 or not for profit and community organisations which have applied as required by subclause (2) of clause 3.1 of the Public Places and Local Government Property Local Law 2011, and obtained exemption from complying with the provisions of Subclause (1) of clause 3.1 of the same local law.
-



- Full Name and address of the applicant/s;
- Specify location(s) in and/or on which the applicant wishes to conduct their business activity and is to include a site plan;
- Full details of the goods or services to be traded;
- Proposed days and hours of operation;
- Evidence of appropriate levels of public liability insurance;
- Construction details of the proposed stall and other items such as furniture, lighting provision of power that is proposed to be used in conjunction with such stall. The stall must comply with the attached pictorial presentation of a stall attached to the end of this policy;
- Where a fixed stall is proposed, the applicant must detail by way of a plan the position of such stall in relation to property boundaries, roads, footpaths, buildings and any other such structure;
- Where the stall is a vehicle, trailer or similar, details of such vehicle, trailer or similar in addition to a current copy of the Third Party Motor Vehicle Insurance;
- Where it is proposed to operate a stall or trade on land which is privately owned but considered a public place (e.g. Shopping Centre), the applicant must include a letter signed by the owner and/or occupier of such land granting the applicant permission to conduct such stall or trade from such premises.;
- Where it is proposed to operate a stall or trade on land which is a public place though owned by the State (not including the Local Government), the applicant must also include a letter signed by the relevant State department/agency in control of such land granting the applicant permission to conduct such stall or trade from such land.

**ADDITIONAL REQUIREMENTS FOR THOSE HANDLING (SUPPLY AND SALE) OF FOOD PRODUCTS**

- A copy of a valid Food Business Notification/Registration certificate issued in accordance with the requirements of the *Food Act 2008* (the Act) by the Shire of East Pilbara or any other Enforcement Agency as described in Section 8 of the Act.
- For all registered food businesses, documentary evidence of the completion of an approved Food Safety Course by each food handler/s intending to handle food during the event/s. A free online Food Safety Course **"I'M ALERT"** can be accessed on the Shire's website. 'NB. Approved means approved by the Shire's Environmental Health Officer'
- Once granted, the trading Permit must be conspicuously displayed in/at the stall at all times during trading.

**ADDITIONAL REQUIREMENTS FOR APPLICANTS INTENDING TO GIVE AWAY FOOD AT COMMUNITY AND PUBLIC EVENTS**

- Any applicant intending to handle and give away food at community and public events are required by this Policy to inform the Shire at least four (4) days

before the event, clearly stating the food products they intend to handle as well as arrangements made for the safe handling of the food so as to enable the Shire Environmental Health Officer to make an assessment of the food risk involved and advise of appropriate food handling requirements. This is a precautionary measure and is in the interest of all concerned. It is not intended to inhibit activity.

- Any food stall used for the handling of food is required by this policy to comply with the minimum standards of a food stall as presented in the Shire of East Pilbara Temporary Food Stall Trading Conditions. Standards may vary according to the "Risk" level of the food.

### **LOCATIONS FROM WHICH A STALL OR TRADING MAY BE PERMITTED**

The following locations within the Newman town site are the preferred locations from which stalls and traders may conduct business:

1. The open parking area at the Capricorn Oval entrance west of the water storage tanks.
2. The Newman Visitors Centre Parking area; - subject to approval from the Manager of the Visitors Centre.
3. Boomerang Oval Parking area (Paved area scheduled to be completed by 1<sup>st</sup> July 2012).

Where an applicant seeks permission to conduct a stall or trade other than at the designated sites within Newman listed above, the applicant shall provide written justification and reasons for such request.

### **APPLICATIONS IN RESPECT TO THE TOWNSITES OF MARBLE BAR AND NULLAGINE**

Any applications for Trading Approvals for the above town sites will be at the discretion of the Shire's Health and Planning staff and are subject to the applicant providing the relevant details as required as part of the normal application process.

### **CONDUCTING A STALL OR TRADING AT A PUBLIC EVENT**

Stalls and/or trading at a public event will only be approved where the applicant has received written permission from the event organiser and such permission is supplied with the application. For the purposes of an event organised by the Shire, approval is to be sought from the Shire's Community Wellbeing Department.

For large community events such as the Fortescue Festival and annual Race Days, it is preferable that all applications shall be coordinated, collated and submitted to the Shire by the event organiser at least four (4) weeks prior to the event. The event organiser may also choose to cover such stalls and traders under their public liability insurance as required for the entire event. Additionally, all event organisers are still expected to meet their Duty of Care obligations in ensuring the food safety of people attending the event.

**GROUND ON WHICH APPLICATIONS MAY BE REFUSED:**

- The applicant is deemed not a fit or proper person to hold a permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Shire's Local Law or any other legislation considered pertinent to conduct their proposed business;
- The applicant proposes to conduct a stall in an area where stalls and trading is not permitted;
- The proposed stall or trading business may result in compromised traffic and pedestrian safety;
- The nature and/or conduct of a proposed stall or trader is not in keeping with the amenity or not conducive to proper and orderly planning;
- Any other ground(s) that the Shire of East Pilbara deems relevant.

**ADVISORY NOTES**

- Applicants must consider access for the disabled
- Applicants must not inhibit the usual flow of traffic or pedestrian movement.
- Any applications involving animals will need approval from the Shires Rangers Department.

The use of flashing lights is discouraged.

### 9.1.10 FIREBREAK NOTICE

**File Ref:** RNG-5-6  
**Attachments:** [Fire Breaks.doc](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil  
12:09 PM Cr Doug Stead left Chambers.

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### REPORT PURPOSE

For Council to approve and issue a Firebreak Notice in accordance with section 33 of the *Bush Fires Act 1954*.

### BACKGROUND

Previously, the subject of firebreaks was dealt with in a local law – *Shire of East Pilbara Firebreaks Local Law 2000*. At its meeting on 24 June 2011 (Item 9.2.4), Council resolved to:

“...3. *Repeal the Firebreaks Local Law 2000, subject to a Firebreak Notice/s being published in the Government Gazette.*”

Pursuant to section 33(1) of the *Bush Fires Act 1954*, a local government may issue a Firebreak Notice. A Firebreak Notice has been drafted and is **attached** for your consideration.

### COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, not approve or amend the Firebreak Notice.

For your information, a new delegation has been drafted to allow the Chief Executive Officer to authorise and approve Firebreak Notices. This will be put to Council at a later date for your consideration. However, in the meantime, and without delegated authority, Council must approve the Firebreak Notice.

### STATUTORY IMPLICATIONS/REQUIREMENTS

*Bush Fires Act 1954* – Part 3 Prevention of bush fires – Division 6 – General restrictions, prohibitions and offences – Section 33 Local government may require occupier of land to plough or clear fire-break.

*Bush Fires Act 1954* – Part 5 Miscellaneous – Section 48 Delegation by local governments.

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**POLICY IMPLICATIONS**

Nil.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities.

A greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

**FINANCIAL IMPLICATIONS**

Resource allocations include advertising in the *Government Gazette*. This is estimated to be \$500 and can be funded from account 51084.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/227**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council:**

1. Approve and issue the attached Firebreak Notice in accordance with section 33 of the *Bush Fires Act 1954*, and its previous resolution on 24 June 2011 (Item 9.2.4).
2. The Firebreak Notice be published in the *Government Gazette* in accordance with s33(1) of the *Bush Fires Act 1954*.

**CARRIED**

**RECORD OF VOTE: 8 - 0**

*To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.*

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS  
- OCTOBER 2012**

**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

*12:10 PM Cr Doug Stead returned to the Chambers*

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

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*

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

*To Provide Sound Leadership and Strong Representation*

**3.2 Improve Community Engagement**

**3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**

*Continuing role*

*How funded – Municipal Funds*

*Responsible Directorate – Executive*

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/228**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Craig Hoyer**

**THAT the "Status of Council Decisions" – Deputy Chief Executive Officer Report for October 2012 be received.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

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

**7 DECEMBER, 2012**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by PRC	On Going
25 May 2012	9.2.6	OFFICIAL OPENING FOR ROYALTIES FOR REGIONS PROJECTS	DCEO	24 <sup>th</sup> November 2012	November 2012
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO	Being project managed by RDS	On Going
28 September 2012	9.2.6	DRAFT COMMUNITY WELLBEING STRATEGY	MCW	In Agenda December 2012	December 2012
28 September 2012	9.2.7	DRAFT NEWMAN TOMORROW DOCUMENT	DCEO	In Agenda December 2012	December 2012
28 September 2012	9.2.10	RATES MINING ASSESSMENTS	RRFO	Being Researched	On Going
28 September 2012	11.2.1	CHANGE THE PURPOSE OF THE MANAGEMENT ORDER FOR LOT 1419 - NEWMAN VISITORS CENTRE	CPS	With RDL	On Going



**9.2.2 AFFIXING THE COMMON SEAL TO THE NEWMAN AMATEUR SWIMMING CLUB LEASE FOR PORTION OF RESERVE 38788, LOT 2312, NEWMAN**

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

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

**Location/Address:** N/A

**Name of Applicant:** Newman Amateur Swimming Club

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to affix the common seal of the Shire of East Pilbara to the Lease Agreements between the Shire of East Pilbara and the Newman Amateur Swimming Club, for portion of Reserve 38788, Lot 2312, known as Newman Aquatic Centre.

**BACKGROUND**

The Newman Amateur Swimming Club was approached to enter into a Licence or a Lease agreement for the use of the building located on the Newman Aquatic Centre site utilised for a clubroom. To date the club has not contributed in the expenses of the maintenance or power consumption used by the club.

Newman Amateur Swimming Club President, Mr Brad Clarke advised the committee and they selected to go with a lease agreement rather than licence so the process commenced several months ago on lease conditions.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Conditions of the lease agreement are as follows

- The lease period being for 5 years commencing 1 November 2012, with an option period of 5 years.
- The lessee will be responsible for all outgoing charges, including utilities, maintenance and insurances, (excluding Building).
- There being no cost to Council for the preparation and registration of the lease agreement.
- Annual Service Fee – as per Council fees and charges applies.
- Committee is to provide annually to Council the following details
  - Committee Members
  - Copy of Certificate of Currency
  - Copy of Contents Insurance Policy

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

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## **POLICY IMPLICATIONS**

**Delegation From:** Council

**Delegation To:** Chief Executive Officer

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

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

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

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

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

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

### **Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

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

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

## **EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27th June 2003**

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

### **Objective**

To allow for the proper execution of documents.

### **Policy**

Council's Policy Manual

### **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.

## PLAN FOR FUTURE OF THE DISTRICT

### Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

#### 1.2 Asset Management

##### 1.2.2 Develop and apply asset management principles to support the maintenance and management of Councils assets.

June 2010

How funded – Municipal Funds

Responsible Directorate – Corporate Services

### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

#### 3.2 Improve Community Engagement

##### 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire.

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

##### 3.2.2 Improve community awareness of Council's directions, facilities and services.

Continuing role

How funded – Municipal Funds

Responsible Directorate – Community Engagement

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/229

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT Council

1. Accepts the conditions of the lease agreement between the Shire of East Pilbara and the Newman Amateur Swimming Club at Reserve 38788, Lot 2312 for portion of the Newman Aquatic Centre.
  - a) The lease period being 5 years with an option of 5 years.
  - b) The lessee will be responsible for all outgoings, including utilities, maintenance and insurances (except building).
  - c) There being no cost to Council for the preparation and registration of the lease agreement.
  - d) Annual Service Fee – as per Council fees and charges
2. Approve the common seal to be affixed to the lease agreement between the Shire of East Pilbara and the Newman Amateur Swimming Club for portion of Reserve 38788.

CARRIED  
RECORD OF VOTE: 9 - 0

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

Note: The Shire President would like to thank the Newman Amateur Swimming Club for the outstanding work at the Pilbara Championships 2012.

### 9.2.3 PROPOSED AUDIT COMMITTEE MEETING DATES 2013

**File Ref:** FIN-21-2  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Angela McDonald  
Manager Finance and Administration Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

For Council to set the meeting dates of the Audit Committee for 2013 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

12. Public notice of council or committee meetings – s. 5.25(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.

The Local Government Act 1995 states:

#### 5.25. Regulations about council and committee meetings and committees

- (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;

### POLICY IMPLICATIONS

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

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“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.”

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/230**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council adopt the dates for the 2013 Audit Committee meetings over the next twelve months as listed below and advertise in accordance with the Local Government (Administration) Regulations.**

<b>MEETING DATE</b>	<b>WEEK</b>	<b>COMMENCEMENT TIME</b>	<b>VENUE</b>
<b>7th March 2013</b>	<b>1<sup>st</sup> Thursday</b>	<b>8:00am</b>	<b>Newman</b>
<b>11<sup>th</sup> July 2013</b>	<b>2<sup>nd</sup> Thursday</b>	<b>8:00am</b>	<b>Newman</b>
<b>10<sup>th</sup> October 2013</b>	<b>2<sup>nd</sup> Thursday</b>	<b>8:00am</b>	<b>Newman</b>
<b>12<sup>th</sup> December 2013</b>	<b>2<sup>nd</sup> Thursday</b>	<b>8:00am</b>	<b>Newman</b>

**CARRIED  
RECORD OF VOTE: 9 - 0**

***To be actioned by Ms Angela McDonald, Manager Finance and Administration***

#### 9.2.4 PURCHASING AND TENDER PROCEDURES POLICY UPDATE

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

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#### REPORT PURPOSE

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

#### BACKGROUND

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

#### COMMENTS/OPTIONS/DISCUSSIONS

The amended policy will reflect up to date information.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

#### POLICY IMPLICATIONS

##### 10.12 PURCHASING AND TENDER PROCEDURES

**Minute No:** Item 9.1.6  
**Date:** 27<sup>th</sup> June 2003  
5<sup>th</sup> May 2006  
9.3.5 27<sup>th</sup> April 2007  
9.4.1 24<sup>th</sup> July 2009  
9.1.6 29<sup>th</sup> January 2010  
9.2.5 11<sup>th</sup> March 2011

**Responsible Officer:** Chief Executive Officer and Directors

#### Objective

- To provide compliance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* (as amended).
  - To set guidelines which must be followed when inviting tenders for works and services within the Shire.
-

- To ensure consistency that purchasing activities integrate within all Shire of East Pilbara operational areas.

#### 1.1 Purchase Procedures

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

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, a purchase order for capital purchase or other will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, a purchase order for capital purchase or other will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer a purchase order for capital purchase or other 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, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

#### **Capital Expenditure**

All capital purchase orders (with the exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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.

Purchase orders for goods and services for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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 order is in excess of \$30,000 the purchase order is to be countersigned by the authorised supervisor prior to the order being issued:

- Managers
- Coordinator Property Services

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- Martumili Field Officer
- Bus Driver

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

**Raising a Purchase Order**

- All authorised officers will be set up to create purchase orders in Synergy. It is the responsibility of the originator of the purchase order to complete all sections of the order:
  - Supplier's name and address
  - Date
  - Delivery instructions
  - Description of goods and/or service required
  - Quantity
  - Price
  - General Ledger Account number
  - Line Item
  - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

All officers must make sure they select their authorised officer's name (or their delegated officer) and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

**Light Vehicle Purchases**

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

**Consultants Services**

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

*Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.*

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

**Light Vehicle Disposals**

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

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

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

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

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

**1.2 Regulatory Compliance**

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

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

### 1.3 Tender Criteria

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

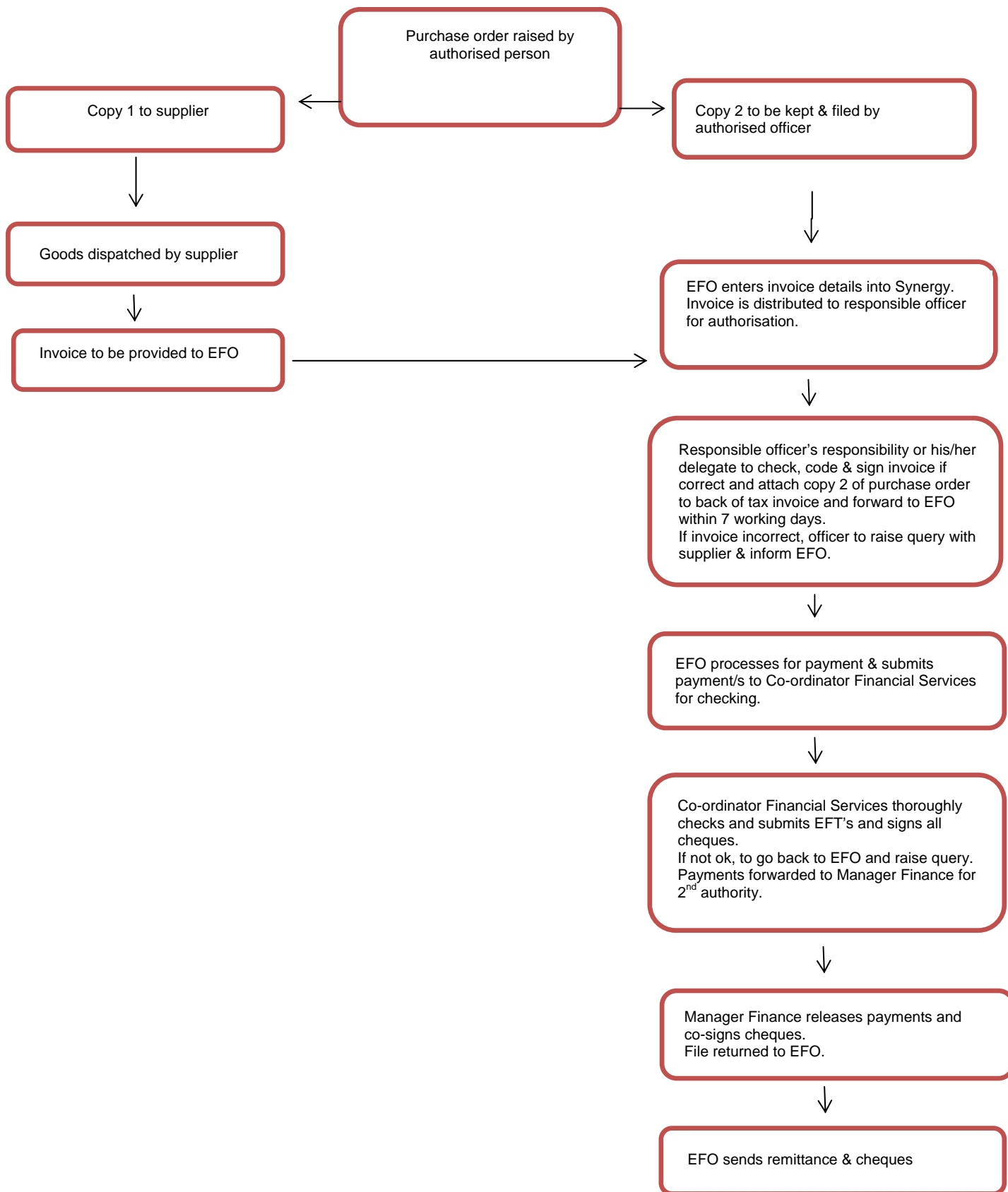
In relation to the inviting of any tenders, the following policy procedures are to apply:

1. All Officers are required to seek written approval from the Chief Executive Officer *before* calling for a tender or seeking expressions of interest. Please refer to regulation 17(2)(b) of the *Local Government (Functions and General) Regulations 1996* and the Delegations Manual – Making of the Decision to Invite Tenders.
2. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
3. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
4. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
5. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
6. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
7. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.  
  
The facsimile telephone number shall be 08 9175 2668, and emails shall be addressed to 'tenders@eastpilbara.wa.gov.au'.
8. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
9. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
10. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
11. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation
- b. Internal documentation
- c. Enquiry and response documentation
- d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Financial Stability

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/231**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Doug Stead**

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

**CARRIED  
RECORD OF VOTE: 9 - 0**

*To be actioned by Mrs Candice Porro, Expenditure Finance Officer*

**10.12 PURCHASING AND TENDER PROCEDURES**

<b>Minute No:</b>	<b>Item 9.1.6</b>
<b>Date:</b>	<b>27<sup>th</sup> June 2003</b>
	<b>5<sup>th</sup> May 2006</b>
<b>9.3.5</b>	<b>27<sup>th</sup> April 2007</b>
<b>9.4.1</b>	<b>24<sup>th</sup> July 2009</b>
<b>9.1.6</b>	<b>29<sup>th</sup> January 2010</b>
<b>9.2.5</b>	<b>11<sup>th</sup> March 2011</b>
<b>9.2.4</b>	<b>7<sup>th</sup> December 2012</b>

**Responsible Officer: Chief Executive Officer and Directors**

**Objective**

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

**1.1 Purchase Procedures**

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

\$0 - \$20	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$21 - \$2,000	Under direction from the authorised supervisor, a purchase order will be utilised without quotes necessarily being obtained.
\$2,001 - \$19,999	Under direction from the authorised supervisor, a purchase order for capital purchase or other will be utilised and three verbal or written quotes shall be obtained.
\$20,000 - \$39,999	Under direction from the authorised supervisor, a purchase order for capital purchase or other will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer and/or the Deputy Chief Executive Officer a purchase order for capital purchase or other 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, and in consultation with the Chief Executive Officer tenders will be invited and the applicable order book shall be utilised.

### **Capital Expenditure**

All capital purchase orders (with the exception of road construction) will be signed by the Deputy Chief Executive Officer or the Chief Executive Officer.

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.

Purchase orders for goods and services for capital items, may only be signed by the following:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Directors

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 order is in excess of \$30,000 the purchase order is to be countersigned by the authorised supervisor prior to the order being issued:

- Managers

- Coordinator Property Services

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

- Co-ordinators
- Works Supervisor (Newman & Marble Bar)

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

The following staff may raise the total amount of \$2,000 on purchase orders per week – with no individual order to be greater than \$200 – in accordance with value procedures as previously set out in this clause:

- Duty Officers – Newman Aquatic Centre
- Team Leader – Works Crew (Newman)
- Martumili Field Officer
- Bus Driver

If the total amount of purchase orders raised within a one week period is in excess of \$2,000 all additional purchase orders written out for the duration of that week are to be countersigned by the authorised supervisor prior to the order being issued.

#### **Raising a Purchase Order**

- All authorised officers will be set up to create purchase orders in Synergy. It is the responsibility of the originator of the purchase order to complete all sections of the order:
  - Supplier's name and address
  - Date
  - Delivery instructions
  - Description of goods and/or service required
  - Quantity
  - Price
  - General Ledger Account number
  - Line Item
  - Cost centre (where applicable – generally technical services jobs where labour and plant are involved, and building maintenance jobs)

Account numbers, cost centres and line items can be obtained from the most current monthly financial statements

It is the responsibility of the person who raises the purchase order to ensure that all purchase orders are raised in accordance with budget restraints i.e. any unbudgeted or over-budgeted expenditure is to be referred to Council for

approval prior to any purchase. (Council has no retrospective right of approval of purchase of non-budgeted items).

All officers must make sure they select their authorised officer's name (or their delegated officer) and contact number. This information serves two purposes: a) it tells the supplier who to contact if necessary, and; b) it tells the Expenditure Finance Officer who to send the invoice to for authorisation when it arrives.

Prior to the authorisation of invoices, goods should be checked against the purchase order or delivery docket. It is the responsibility of the authorised officer or their delegated officer to ensure this task is carried out and that the authority to pay certification is correctly signed off.

In the event of one of the authorised staff being away on leave or absent for an extended period of time, the Departmental Supervisor, with the authority of the Chief Executive Officer or Deputy Chief Executive Officer may make alternative temporary arrangements to authorise another member of Shire staff to sign purchase orders during their absence.

### **Light Vehicle Purchases**

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

### **Consultants Services**

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

*Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, with a minimum of three quotes being requested and a report with a recommendation to be prepared for a Council decision.*

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

### **Light Vehicle Disposals**

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

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

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

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

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

### **1.2 Regulatory Compliance**

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

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

### **1.3 Tender Criteria**

This policy is to be read in conjunction with the *Local Government (Functions and General) Regulations 1996*.

In relation to the inviting of any tenders, the following policy procedures are to apply:

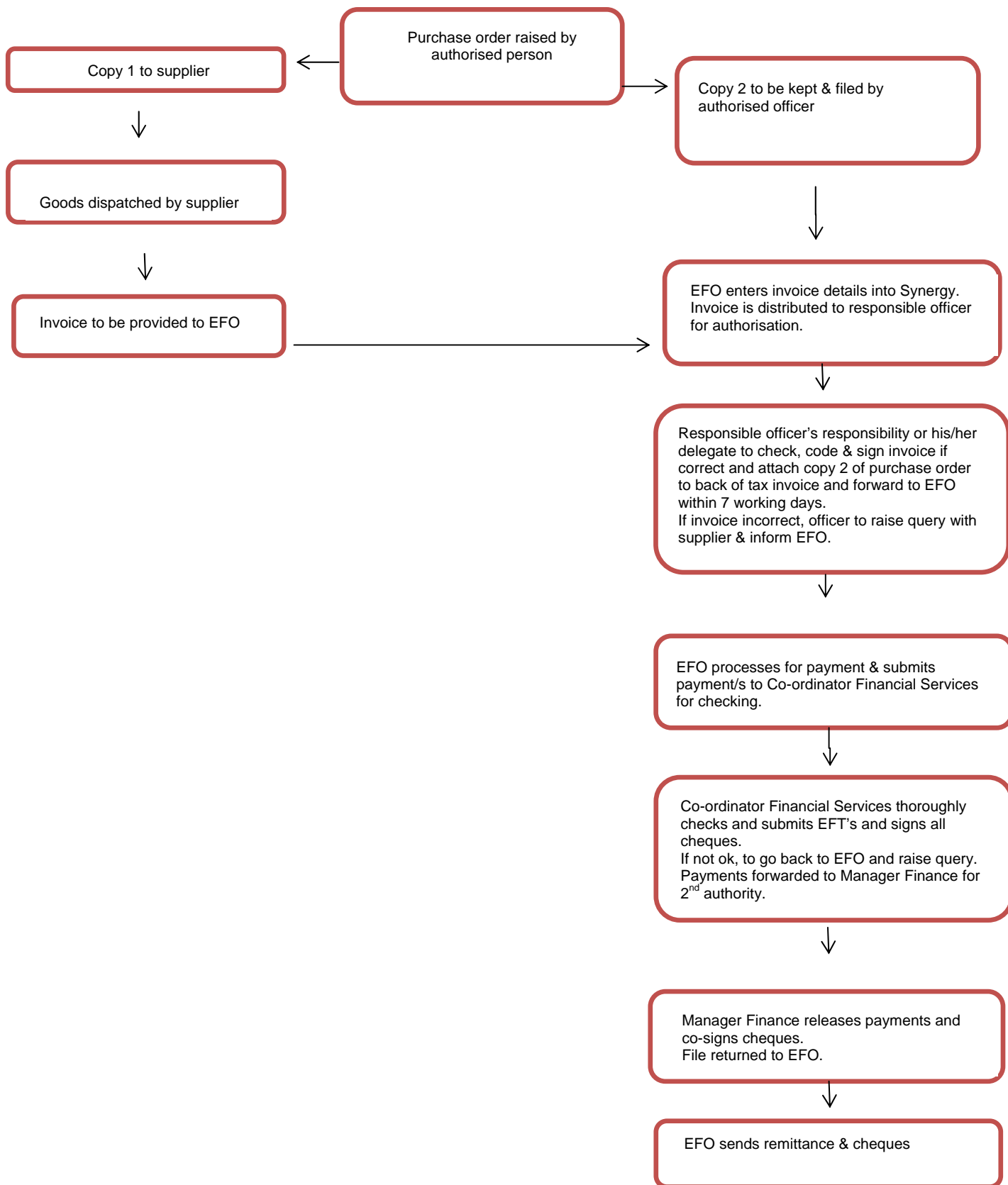
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2. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
3. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
4. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such a form is optional in the case of procurements worth less than \$100,000 plus GST.
5. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on all correspondence, files, in Minutes, etc.
6. Tender notices shall insist that all tenders be clearly marked, and in either a sealed envelope, facsimiled with a correctly titled cover sheet or emailed with a correctly titled 'subject line'.
7. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery.

The facsimile telephone number shall be 08 9175 2668, and emails shall be addressed to '[tenders@eastpilbara.wa.gov.au](mailto:tenders@eastpilbara.wa.gov.au)'.

8. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
9. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
10. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.
11. All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:
  - a. Tender documentation
  - b. Internal documentation
  - c. Enquiry and response documentation
  - d. Notification and award documentation

Records retention shall be in accordance with the minimum requirements of the *State Records Act 2000*.

1.4 Order Procedure Flow Chart



**9.2.5 AFFIXING SHIRE OF EAST PILBARA COMMON SEAL TO THE PILBARA  
BUS SERVICE CONTRACT (RTBS CONTRACT NO. 2012002)**

**Attachments:** Under Separate Cover  
**File Ref:** FAC-15-1  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sharon Walsh  
Manager Community Wellbeing  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek approval to affix the common seal of the Shire of East Pilbara to the renewal of the contract between the Shire of East Pilbara and the Public Transport Authority.

**BACKGROUND**

The Shire of East Pilbara Passenger Bus Service commenced in 1992 as a result of the uncertainty of the air service which operated between Port Headland and Newman, via Marble Bar and Nullagine.

The service is audited each year by the Public Transport Authority who oversees that the operations and ensures an available budget to provided based on justified costs of operating such as service in the Pilbara.

The vehicle, which is based in Marble Bar, is owned, operated and maintained by the Shire of East Pilbara. The bus drivers are Shire of East Pilbara employees however the conditions of the contract are defined by the Authority.

**COMMENTS/OPTIONS/DISCUSSIONS**

The current contract between the two parties expired in 2007 and since this time, the Authority has been happy to simply “roll over” that contract. Since July of this year, the two parties have been negotiating an update of the conditions to this document to ensure it better reflects the actual costs of running such as service and the needs of all users of the service are met.

The proposed updated contract, as attached has minimal changes to *Section 3.2.1 (a)*. Furthermore, it has also been suggested that the introduction terms and conditions of travel for all users of the service, be printed on the back of each ticket.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

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## **POLICY IMPLICATIONS**

**Delegation From:** Council

**Delegation To:** Chief Executive Officer

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

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

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

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

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

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

### **Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

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

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

## **EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27th June 2003**

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

### **Objective**

To allow for the proper execution of documents.

### **Policy**

Council's Policy Manual

### **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.



## PLAN FOR FUTURE OF THE DISTRICT

### Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities.  
A greater than 90% compliance achievement in the annual compliance audit  
How funded – Municipal Funds  
Responsible Directorate – Whole of Organisation

### FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/232**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Lang Coppin**

**THAT the common seal of the Shire of East Pilbara be affixed to the Contract for the Provision of the Pilbara Bus Service RTBS Contract No. 2012002 for the period 1 July 2012 until 30 June 2013 with the option to renew annually between the Shire of East Pilbara and the Public Transport Authority.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

***To be actioned by Ms Sharon Walsh, Manager Community Wellbeing***

9.2.6 ASSET MANAGEMENT STRATEGY

File Ref: STR-1-1  
Attachment: [Management Strategy - Final.pdf](#)  
Responsible Officer: Ms Sian Appleton  
Deputy Chief Executive Officer  
Author: Ms Sian Appleton  
Deputy Chief Executive Officer  
Location/Address: N/A  
Name of Applicant: N/A  
Author Disclosure of Interest: Nil

REPORT PURPOSE

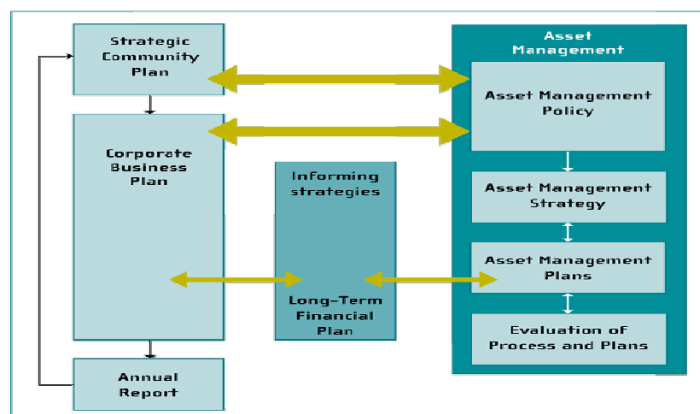
To seek Council’s endorsement of the Shire’s Asset Management Strategy.

BACKGROUND

As part of the Integrated Planning and Reporting (IPR) framework introduced by the WA State Government in 2011, a systematic review of Council’s infrastructure, resourcing and operational planning documents is currently being undertaken to align them with the new Shire’s Community Strategic Plan. The first step in this process was the adoption of an Asset Management Policy. At the 29<sup>th</sup> January 2010 Council meeting Council resolved the following:

***“That Council adopt the Asset Management Policy as detailed for inclusion in Council’s Policy Manual”.***

Since that date Cardno Pty Limited have been engaged to assist with the continuation of this process. The establishment of Shire’s Asset Management Strategy is the second stage of the process. The creation of individual Asset Management Plans for specific areas within the organisation will be the final stage as depicted below:



## COMMENTS/OPTIONS/DISCUSSIONS

This Asset Management Strategy is a high level, strategic document intended to guide the organisation across all facets of the asset lifecycle; from planning to procurement, through to operation, maintenance and disposal.

## STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Local Government (General) Regulation 1996

Local Government (Administration) Regulations 1996 (19C, 19D)

## POLICY IMPLICATIONS

### 3.2 ASSET MANAGEMENT

#### PLAN FOR FUTURE OF THE DISTRICT

##### Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

1.2.2 Develop and apply asset management principles to support the maintenance and management of Councils assets.

June 2010

How funded – Municipal Funds

Responsible Directorate – Corporate Services

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/233**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Doug Stead**

**THAT Council endorse the Asset Management Strategy.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

### 9.2.7 DRAFT STRATEGIC COMMUNITY PLAN

<b>File Ref:</b>	<b>STR-3-11</b>
<b>Attachments:</b>	<a href="#">Draft Strategic Community Plan</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

For Council to endorse the draft Strategic Community Plan document to be advertised for public comment.

### BACKGROUND

The Shire's commitment to the future of all its towns is reflected in this plan, which outlines a vision, strategies, initiatives and proposed outcomes for the coming decades. In framing this plan, the Shire is fulfilling legislative obligations whilst paying due attention to the needs and aspirations of residents, now and in the future.

The plan aims to meet our community needs, whilst also addressing the expectations of State Government – requiring all local government authorities to develop a strategy and planning document that reflects community and local government aspirations and priorities over a period of 10+ years.

The Shire intends to utilise the Strategic Community Plan to do the following:

- Guide Council decision making
- Inform and target the allocation of resourcing
- Guide local planning initiatives
- Inform potential partners and investors of the ways in which we want to grow and develop
- Engage industry, business, government agencies, non-government organisations, community groups and residents in various ways to contribute to the Shire's future
- Form mutually beneficial partnerships with other organisations
- Monitor progress against our vision and priorities.

Four strategic priorities have been developed that cover the key aspects of community life, these being – Social; Economic; Environmental and Civic Leadership.

## **COMMENTS/OPTIONS/DISCUSSIONS**

The Shire engaged Consultants Creating Communities Australia Pty Ltd to prepare the Strategic Community Plan. The development of this Strategic Community Plan is to be part of an integrated framework designed to:

- Ensure community input is explicitly and reliably generated
- Provide the capacity for location specific planning, where appropriate
- Inform the long-term objectives of the local government with these inputs
- Identify the resourcing required to deliver against these objectives
- Clearly articulate long-term financial implications and strategies.

The Strategic Community Plan prioritises community aspirations, giving consideration to social, economic, environmental and governance objectives.

The Shire employed a strategic process for the development of the Strategic Community Plan as per below:

### Stage 1 – Situational Analysis

- Community profile – identify community trends, needs, issues and opportunities.

### Stage 2 – Community Engagement

- Visioning ideas sought from the community
- Community engagement activities used to inform the plan.

### Stage 3 – Planning – Priority and Strategies

- Identify key priority areas
- Develop strategies to address the priorities and achieve the vision

### Stage 4 – Ongoing Review

- Develop key indicators of success and measures to monitor success
- Monitor and report on the success of the community plan in delivering desired outcomes – then adapt plan to meet current and future needs.

The adoption of this Strategic Community Plan will be of benefit not only to Newman but to the whole of the Shire of East Pilbara. Potential financial flow on benefits for the Shire of East Pilbara is likely to occur with the adoption of this document, as any funding received for projects within Newman through this document will potentially free up Shire funding for development elsewhere within the Shire.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **PLAN FOR FUTURE OF THE DISTRICT**

Will complement and enhance the Plan for the Future of the District

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**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/234**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Stephen Kiernan**

**THAT Council endorse the draft Strategic Community Plan document to be advertised for public comment.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

**9.2.8 ECONOMIC DEVELOPMENT AND TOURISM STRATEGY  
IMPLEMENTATION**

**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

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**REPORT PURPOSE**

For Council to endorse the Recommended Tenderer, Neil Noelker Consulting Pty Limited to prepare and implement the Economic Development and Tourism Strategy.

**BACKGROUND**

The Shire of East Pilbara has engaged the WALGA Procurement Consultancy Service to undertake Procurement Services for Request for Tender 03/2012-13 on behalf of the Shire of East Pilbara for the engagement of a suitable consultant to prepare and implement the Economic Development and Tourism Strategy.

**COMMENTS/OPTIONS/DISCUSSIONS**

The tender was advertised in the West Australian on Saturday, 13<sup>th</sup> October, 2012. The tender was also advertised on the WALGA Tenderlink e-Tendering Portal. Closing date for the tender was 10.30am on the 30<sup>th</sup> October, 2012.

At close of tender seven (7) tenders were received as follows:

- 1) ACIL Tasman Pty Ltd;
- 2) Atkinson Consulting Group Pty Ltd;
- 3) Business Planning Services;
- 4) Kirkgate Consulting;
- 5) Neil Noelker Consulting Pty Ltd;
- 6) Market Creations; and
- 7) Market Fever Pty Ltd.

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

Ability and Experience	Weighting	40%
Capacity and Personnel	Weighting	20%
Performance	Weighting	40%

A full assessment of the tender submissions is attached under a separate confidential cover.

The results of the tender assessment indicate that Neil Noelker Consulting Pty Limited is the most advantageous tender to Council.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

#### 10.12 PURCHASING AND TENDER PROCEDURES

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 1 - Community Viability**

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara.  
July 2010  
How funded – Municipal Funds  
Responsible Directorate – Community Engagement

Supporting Opportunities that Encourage Growth and Diversity

#### **Goal 1 - Community Viability**

- 1.1.1 Develop a long-term (5 year) financial management plan.  
December 2009  
How funded – Municipal Funds  
Responsible Directorate – Corporate Services

Supporting Opportunities that Encourage Growth and Diversity

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Absolute.



**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/235**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council award Tender RFT 03/2012-13 Prepare and Implement Economic Development and Tourism Strategy to Neil Noelker Consulting Pty Limited for the tendered price below:**

Price Per Hour \$	Price per day \$
Neil Noelker onsite \$156.25	\$1,250
Neil Noelker remote \$143.75	\$1,150
Louise Dahlenberg \$85	\$680
Linda Hagen \$35	\$280
Disbursements	Price \$
Accommodation	Nil
Travel – 6 Flights (estimate) per annum	\$6,600
Insurance	Nil
Other (please specify)	Nil
Car Hire – 6 occasions (estimate) per annum	\$2,000
Miscellaneous cost per annum	\$600

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 9 - 0**

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

### 9.2.9 NEWMAN TOMORROW DOCUMENT

<b>File Ref:</b>	<b>STR-3-5</b>
<b>Attachments:</b>	<a href="#">Newman Tomorrow Document</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

For Council to endorse the adoption of the Newman Tomorrow document as a “living/working document” complementing and enhancing the Plan for the Future of the District.

### BACKGROUND

The Newman Tomorrow document came about through the need to be able to present a comprehensive overview of potential, as well as essential, future development within Newman and the associated costs. The document is seen as a tool which will assist with the lobbying of State and Federal Government, as well as industry stakeholders for any future funding.

The Shire engaged consultants Creating Communities Australia Pty Ltd to prepare and compile the document in February 2008. To ensure the document was comprehensive and covered every aspect of the Shire’s responsibilities, all directorates of the Shire were involved during the document’s development and contributed to its content. In 2009 the document was reviewed.

The document has now been updated to reflect the rapidly changing needs of our community. Again, to ensure the document was comprehensive and covered every aspect of the Shire’s responsibilities, all directorates of the Shire were involved during the document’s development and contributed to its content.

### COMMENTS/OPTIONS/DISCUSSIONS

The adoption of this updated document will be of benefit, not only to Newman, but to the whole of the Shire of East Pilbara. Potential financial flow on benefits for the Shire of East Pilbara is likely to occur with the adoption of this document, as any funding received for projects within Newman through this document will potentially free up Shire funding for development elsewhere within the Shire.

It is important to note that the document is intended as a “living/working document”, hence the necessary update at relevant intervals of time.

Public comments on this document were encouraged over a four week period through the display of public notices in all three towns, and an advert in the North West Telegraph. No written comments were received by the due date regarding this document.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

Will complement and enhance the Plan for the Future of the District.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/236**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Anita Grace**

**THAT Council endorse the adoption of the Newman Tomorrow document as a "living/working document" complementing and enhancing the Plan for the Future of the District.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

**9.2.10 SHIRE OF EAST PILBARA COMMUNITY WELLBEING PLAN (2012)  
COMPILED BY SGS ECONOMICS AND PLANNING PTY LTD**

**File Ref:** STR-1-1  
**Attachments:** [Community Wellbeing Strategy 2012.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sharon Walsh  
Manager Community Wellbeing  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council endorsement of the document titled "Shire of East Pilbara Community Wellbeing Plan July 2012" prepared on behalf of the Shire by SGS Economics and Planning Pty Ltd.

**BACKGROUND**

The suite of strategic plans currently used by the Shire including the Newman Tomorrow document and the ProspectUs documents of both Marble Bar and Nullagine, all cite community wellbeing as an important responsibility of the Shire. There was therefore, a need to seek specialist advice on just how the Shire would be best placed to meet these wellbeing needs of its communities.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Plan presented by SGS Economics and Planning Pty Ltd is very much a "nuts and bolts" set of suggested strategic actions listed as either "quick wins", "high, medium and low priorities, which, if implemented by not only the Shire, but also key stakeholders of the East Pilbara, the residents of our communities will feel a greater sense of inclusion, cohesion and connectedness. Furthermore, the introduction of these strategic actions will continue to improve the health of all East Pilbara residents allowing them to have happy, healthy, fulfilling, active and purposeful lives.

Public comments were sought during a 4 week period through the display of public notices in all three towns plus an advert in the local NW Telegraph, However, no written comments were received by the due date regarding this plan.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

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## PLAN FOR FUTURE OF THE DISTRICT

### Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

#### 1.3 Community Planning

##### 1.3.1 Continue Implementation of the Newman Tomorrow: A Home for Generations document.

Time lines contained within document

How funded – Various as indicated in the document

Responsible Directorate - All

##### 1.3.3 Develop and implement community planning documents for Marble Bar and Nullagine.

March 2010

How funded – Municipal Funds

Responsible Directorate – Executive and Community Engagement

## FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

## VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/237**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Anita Grace**

**THAT Council endorse the adoption of the Shire of East Pilbara Community Wellbeing Plan (2012) as complimentary strategic planning tool, enhancing the Plan for the Future of the District Plan.**

**CARRIED**

**RECORD OF VOTE: 9 - 0**

***To be actioned by Ms Sharon Walsh, Manager Community Wellbeing.***

**9.2.11 ENDORSEMENT BY COUNCIL OF FUNDING SUBMISSIONS TO BHP  
BILLITON IRON ORE**

**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

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**REPORT PURPOSE**

To seek Council's endorsement for additional funding assistance for the Town Centre revitalisation.

**BACKGROUND**

At the 28<sup>th</sup> October 2011 Council meeting Council moved the following resolution unanimously:

*THAT Council endorse the submission of the following funding submissions to BHP Billiton Iron Ore;*

*Project 2  
Greening/Activity Trail – Fortescue Ave & Welsh Drive Newman  
Up to \$1,400,000*

*Project 3  
Development of Concept Design – Civic Centre Newman  
\$100,000*

**COMMENTS/OPTIONS/DISCUSSIONS**

Since that time an agreement has been signed with BHP Billiton for the following:

Project 2	Greening/Activity Trail	\$900,000
Project 3	Development of Civic Centre Concept Design	\$100,000

BHP Billiton has also included in that funding \$500,000 for the Township Amenity and Involved Communities. This funding is distributed to the following projects:

Project 4	Beautification of Calcott Street	\$416,000
Project 5	Community Rubbish Pick Up	\$ 24,000
Project 6	Recycling Shed at Newman Refuse Site	\$ 60,000

A further \$2M has been funded to the Council for the design and construction of two town houses for the purpose of providing General Practitioner housing within Newman.

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**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.3 Community Planning

1.3.1 Continue Implementation of the Newman Tomorrow: A Home for Generations document.  
Financial Implications

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/238**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Gerry Parsons**

**THAT Council endorse the additional funding assistance from BHP Billiton Iron Ore for the following projects:**

- 1. Township Amenity and Involved Communities.**
- 2. Provision of two town houses for General Practitioner housing.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

**9.2.12 ENDORSEMENT BY COUNCIL OF FUNDING SUBMISSIONS TO BHP  
BILLITON IRON ORE 2012/2013**

**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

12:27 PM Cr Kevin Danks left Chambers.

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**REPORT PURPOSE**

To seek Council endorsement of BHP Billiton Iron Ore funding assistance submission for the following proposed projects for the 2012/2013 financial year;

1. Lions Park business case: \$90,000
2. Shade at the Junior Pavilion: \$40,000
3. Recreational Masterplan: \$100,000
4. Miners Promise Park toilet: \$120,000
5. Youth Precinct study: \$75,000
6. BMX Track study: \$25,000
7. Heritage Walk Trail: \$550,000
8. Revitalisation of the Town Centre: \$500,000

**BACKGROUND**

BHP Billiton Iron Ore have indicated in principle their support for applications for funding assistance for the above mentioned projects.

**COMMENTS/OPTIONS/DISCUSSIONS**

**Project 1**

**Lions Park Business Case**

To provide a Business Case for the development of the existing Lions Park Reserve, and investigate the possibility of the provision of green space and a short term holiday park on the existing Lions Park Reserve.

**Project 2**

**Shade at the Junior Pavilion**

Supply and installation of shade over the playground at the Junior Sports Pavilion, Capricorn Sporting Precinct. This playground was installed recently and is popular with children who are the siblings of those participating in junior sports held on the ovals of the Capricorn Sporting Precinct, as well as children who reside nearby to the Junior Sports Pavilion.

**Project 3**

**Recreational Masterplan**

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The establishment of the Recreational Masterplan for Newman will entail comprehensive consultation with all major recreational pursuits and sports users to ascertain their additional needs for space for now and for in the future with the expected population increase.

The plan will also provide an analysis of all current sports/recreational facilities that would result in recommendations as to scope of works required to current infrastructure (especially if relocation is recommended in the long term), indicative costs for each club, and priority order ranking all clubs in terms of need.

**Project 4**

**Miners Promise Park Toilet**

Supply and installation of an Exeloo Toilet on site at Miners Promise park – precise location to be advised following planning advice of sewer/mains connection.

**Project 5**

**Youth Precinct Study**

This study will document the gaps in the collocation services for youth and family and produce a needs analysis with respect to developing a multi-use facility to the betterment of youth and family services in Newman.

**Project 6**

**BMX Track Study**

This study will document the options available for site development with respect to activities for older youth.

**Project 7**

**Heritage Walk Trail**

The Newman Tomorrow document, item 4, Recreation/Lifestyle suggests looking at further developing the passive recreation precincts and the development of a walking map for Newman.

Initially this project will investigate, and then develop, a heritage walk trail within Newman. The project will enlist stakeholder consultation and will encompass the development of interpretative indigenous, mining and pastoral history.

Publication of relevant pamphlets, time lines and storyboards.

**Project 8**

**Revitalisation of the Town Centre**

Continue to activate the Newman town centre through the staged implementation of the Newman Revitalisation Plan which focuses on improvement to the parks, garden areas and amenities in the town centre area.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

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## PLAN FOR FUTURE OF THE DISTRICT

### Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

#### 1.3 Community Planning

- 1.3.1 Continue Implementation of the Newman Tomorrow: A Home for Generations document.  
Financial Implications

Resource requirements are in accordance with existing budgetary allocation.

## VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/239**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council endorse the following funding submissions to BHP Billiton Iron Ore:**

1. Lions Park business case: \$90,000
2. Shade at the Junior Pavilion: \$40,000
3. Recreational Masterplan: \$100,000
4. Miners Promise Park toilet: \$120,000
5. Youth Precinct study: \$75,000
6. BMX Track study: \$25,000
7. Heritage Walk Trail: \$550,000
8. Revitalisation of the Town Centre: \$500,000

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

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

**9.2.13 MONTHLY FINANCIAL STATEMENTS SEPTEMBER 2012**

**File Ref:** FIN-23-5  
**Attachments:** [Council monthly reports.pdf](#)  
[September Variance Report.doc](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Angela McDonald  
Manager Finance and Administration Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

12:29 PM Cr Kevin Danks returned to the Chambers  
12:29 PM Mr Rick Miller left Chambers.  
12:29 PM Mr Rick Miller returned to the Chambers.

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**REPORT PURPOSE**

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

**BACKGROUND**

The attached 11-page report details the financial activities of the Council for the period September 2012 of the 2012/2013 financial year –

There are 4 sections of the monthly report:

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

**COMMENTS/OPTIONS/DISCUSSIONS**

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

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

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## 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: 201213/240

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

That the monthly financial statements for the period September 2012 of the 2012/2013 financial year as presented be received.

CARRIED  
RECORD OF VOTE: 9 - 0

*To be actioned by Ms Angela McDonald, Manager Finance and Administration Services.*

### 9.2.14 MONTHLY FINANCIAL STATEMENTS OCTOBER 2012

**File Ref:** FIN-23-5

**Attachments:** [Council monthly reports October.pdf](#)  
[October Variance Report.doc](#)

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

**Author:** Ms Angela McDonald  
Manager Finance and Administration Services

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

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

### BACKGROUND

The attached 11-page report details the financial activities of the Council for the period October 2012 of the 2012/2013 financial year –

There are 4 sections of the monthly report:

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

### COMMENTS/OPTIONS/DISCUSSIONS

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

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

### 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: 201213/241**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Shane Carter**

**That the monthly financial statements for the period October 2012 of the 2012/2013 financial year as presented be received.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

***To be actioned by Ms Angela McDonald, Manager Finance and Administration Services.***

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**9.2.15 CREDITORS FOR PAYMENT**

**File Ref:** FIN 10-2  
**Attachments:** [schedule of accounts eft.pdf](#)  
[schedule of accounts chq.pdf](#)  
[schedule of accounts written chq.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Candice Porro  
Expenditure Finance Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council endorsement of payment to creditors.

**BACKGROUND**

As per the attachment list, outlines payments made to creditors since the Council meeting on the 26th October 2012.

**COMMENTS/OPTIONS/DISCUSSIONS**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT17040-EFT17577	5,398,456.83
	<b>Total</b>	<b>\$5,398,456.83</b>
Cheque Payments	21649-21761	383,284.86
Written Chq Payments	41-44	32,234.73
	<b>Total</b>	<b>\$415,519.59</b>
	<b>GRAND TOTAL</b>	<b><u>\$5,813,976.42</u></b>

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

**CANCELLED AND UNUSED CHEQUES:**

UNUSED CHEQUES

21710, 21711

CANCELLED CHEQUES & EFTS

21693, EFT17206, EFT17214, EFT17336

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### 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 \$5,813,976.42

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/242**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Doug Stead**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT17040-EFT17577	5,398,456.83
	<b>Total</b>	<b>\$5,398,456.83</b>

Cheque Payments	21649-21761	383,284.86
Written Chq Payments	41-44	32,234.73
	<b>Total</b>	<b>\$415,519.59</b>

	<b>GRAND TOTAL</b>	<b><u>\$5,813,976.42</u></b>
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**CARRIED**  
**RECORD OF VOTE: 9 - 0**

*To be actioned by Mrs Candice Porro, Expenditure Finance Officer*

**9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES**

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF  
COUNCIL DECISIONS - OCTOBER 2012**

**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

12:36 PM Mr Adam Majid entered Chambers

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**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

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*

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

*To Provide Sound Leadership and Strong Representation*

**3.2 Improve Community Engagement**

**3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**

*Continuing role*

*How funded – Municipal Funds*

*Responsible Directorate – Executive*

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/243**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Shane Carter**

**THAT the "Status of Council Decisions" – Director Technical and Development Services report for October 2012 be received.**

**CARRIED**

**RECORD OF VOTE: 9 - 0**

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school.	MTS-R DTDS	MRWA have completed initial assessment. They advised that they will need to complete a more detailed assessment due to complexity of traffic mix. Extra path and ramps being constructed at Mia Mia to provide alternative crossing point for school kids.	December 2012
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Staff to investigate funding opportunities. Cr Coppin offered to show staff possible locations for signs/plaques. Some signage has been installed.	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS	Technical Services to review requirement of tender & length of contract before re-tendering	Pending
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
27 April 2012	13.10	TREE PLANTING FOR MAIN ENTRANCE - NULLAGINE Cr Darren Bennetts asked if trees can be planted at the main entrance into Nullagine. Technical Services to follow up.	MTS-R	This area is within the Main Roads Reserve and as such will require approval from Main Roads. Approval and or comment have been requested from Main Roads to plant trees within the road reserve	In Progress
25 May 2012	13.3	WELSH DRIVE Cr Shane Carter said from Mia Mia to Klondyke Place the road has double white lines, as BHP have the bus stop and when the bus stops people go over the white line and going into the path of oncoming traffic.	MTS-R & DTDS	Bus Stop location will be further investigated	November 2012

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

**7 DECEMBER, 2012**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
22 June 2012	13.5	MARBLE BAR ROADS GRADING Cr Lang Coppin gave a letter to Mr Rick Miller, Director Technical and Development Services from the Marble Bar Tourist Association regarding the grading of roads and putting up various directional signage. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	Technical Services to assess signage request and action as required. Locations and roads to be investigated to determine responsibility and ownership. Some signage has been installed.	In Progress
24 August 2012	13.2	MARBLE BAR JASPER DEPOSIT – RESERVE 41179 Cr Kevin Danks requested Council to make available Jasper from reserve 41179 for collection by tourists. Director Technical and Development Services to follow up	MTS-R	Works Supervisor inspected with Cr Danks. Stock pile for tourists will be arranged before Christmas	Nov-Dec 2012
28 September 2012	9.3.3	PROPOSED AMENDMENT TO LOCAL PLANNING POLICY NO. 1 - EAST NEWMAN MASTER PLAN	MDS-P	Advertised commencing 10/10/2012 then to November meeting	November 2012
28 September 2012	9.3.4	PROPOSED LOCAL PLANNING POLICY NO. 9 - NEWMAN TOWN CENTRE STYLE GUIDE AND DESIGN GUIDELINES	MDS-P	Advertised commencing 10/10/2012 then to November meeting	November 2012
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	DTDS	Tenure of land and alignments to be investigated and feasibility assessed	February 2013
26 October 2012	9.3.4	AIRPORT FEES AND CHARGES – VARIATIONS TO EXISTING FEES AND CHARGES	MAS		
26 October 2012	9.3.5	PROPOSED CLOSURE OF PORTION OF MOONDOOROW STREET ROAD RESERVE ADJOINING LOTS 1326 & 1322, NEWMAN	MDS-P	Notice forwarded to RDL final approval	February 2013
26 October 2012	9.3.6	PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE BETWEEN LOTS 4 & 5 COOKE STREET, NULLAGINE	MDS-P	Notice forwarded to RDL final approval	February 2013
26 October 2012	12.1.1	TENDER 13-2011/12 NEWMAN LANDFILL FACILITY MAINTENANCE AND RECYCLING SERVICE	DTDS		
26 October 2012	13.2	NEWMAN TOWN CENTRE PARK	DTDS		

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		Cr Doug Stead said a tree has been pulled out and needs to be replaced at the Newman Town Centre Park.			
26 October 2012	13.4	<p><b>MARBLE BAR ROAD</b> Cr Darren Bennetts asked if there has been update regarding the sealing of Marble Bar Road and for Council to keep lobbying the Government.</p> <p>CEO said there has been no update but the Council will keep lobbying the Government to get the Marble Bar Road sealed/upgraded.</p>	DTDS	Rick Miller, Darren Bennetts, Stephen Kiernan and Barbara O'Driscoll have expressed an interest in the Community Reference Group Marble Bar Road Improvement Strategy by Main Roads nominations closed 16 <sup>th</sup> November 2012.	On Going

**9.3.2 APPOINTMENT OF BUSH FIRE CONTROL OFFICER- MR WADE  
GOODHILL**

<b>File Ref:</b>	<b>RNG 5-8</b>
<b>Responsible Officer:</b>	<b>Mr Rick Miller Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Andrew Norris Coordinator Ranger and Emergency Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To appoint Mr Wade Goodhill of Fortescue Metals Group Ltd as Bush Fire Control Officer for the Shire of East Pilbara under the Bush Fires Act 1954, Section 38.

To repeal the previous authorisation of Stuart Hopwood as Deputy Chief Bush Fire Control Officer.

A new Deputy Chief Bush Fire Control Officer will be appointed once Mr Hopwood's position is filled.

**BACKGROUND**

A local authority may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purpose of the Act

**COMMENTS/OPTIONS/DISCUSSIONS**

The Bush Fire Control Officer's main duties relate to fire prevention. They are the officers through whom Local Government works to control the use of fire and certain machinery operations, at such times of the year as could lead to bush fires.

The Fire Control Officer can impose limitations, conditions and restrictions on activities that are in breach of the Bush Fires Act, and Local Laws. Fire control Officers can take actions to control or extinguish fires burning within the district and impose penalties for non-compliance.

There are currently no Fire Control Officer's in the area of the Fortescue Marshes and the appointment will assist with administering the Shire of East Pilbara's Responsibilities under the act in this and surrounding areas.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Section 38 (2) (a) of the Bush Fires Act 1954 states that "The Local Government shall cause notice of an appointment made under the provision of subsection (1) to be published at least once in a newspaper circulating in its district.



Section 38 (2) (e) of the Bush Fires Act 1954 also needs to be issued with a certificate of appointment.

### **POLICY IMPLICATIONS**

No policy implications.

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 3 – Community Leadership**

To Provide Sound Leadership and Strong Representation

##### 3.1 Representation

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

Lobbying and advocacy role

How funded – Municipal Funds and funding opportunities

Responsible Directorate – Executive

##### 3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities  
a greater than 90% compliance achievement in the annual compliance audit

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

### **FINANCIAL IMPLICATIONS**

There are no current resources allocated, this may need to be considered as part of next budgetary process.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/244**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Gerry Parsons**

**THAT Council**

- 1. Appoint Mr Wade Goodhill, as a Bushfire Control Officer for the Shire of East Pilbara under Section 38 of the Bush Fires Act 1954.**
- 2. Publish the appointment in a newspaper circulating in the district.**
- 3. Revoke the appointment of Mr Stuart Hopwood as Deputy Bushfire Control Officer for the Shire of East Pilbara.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

**9.3.3 AFFIX COMMON SEAL TO LICENCE AGREEMENT FOR SITE ACCESS  
AND CAR PARKING WITHIN KALGAN DRIVE, FORTESCUE AVENUE  
AND WELSH DRIVE ROAD RESERVE - MIA MIA STAGE 2**

**File Ref:** A701391  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Mia Mia - Corner of Kalgan Drive and Welsh  
Drive, Newman  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's approval is required to apply the Shire common seal to a licence agreement between the Shire and Auzcorp Pty Ltd for the purposes of using portions of road reserve for car parking and access to the Mia Mia hotel development.

**BACKGROUND**

Auzcorp Pty Ltd applied to the Shire in August 2011 (application P428/11) for the purposes of expanding the Mia Mia Hotel to provide an additional 44 Rooms which was approved by the Shire's planning section in September 2011. Subsequently, an amendment was lodged in October 2011 for the purposes of decreasing the total number of additional rooms by two (2) resulting in a total of 42 new rooms to be developed. The amendment was approved in November 2011. As part of the approval(s), conditions were imposed, with condition one reading:

*"Prior to occupancy of the development the applicant paying to Council Cash in lieu of the provision of on-site car parking with the value being the value of the land used for the on-street parking."*

The condition was imposed based on the fact that the site did not have sufficient parking provided within the property boundary and approval was granted for Auzcorp to construct car parking within the Kalgan Drive, Welsh Drive and Fortescue Avenue road reserves. As a standard practice where the Shire permits the use of land under its control, and in addition to the required payment, the applicant was required to enter into a Licence Agreement to use the subject road reserves and to indemnify the Shire against all costs as a result of an accident/injury etc. stemming from the use of the road reserve(s) by Auzcorp.

**COMMENTS/OPTIONS/DISCUSSIONS**

In the week commencing 5 November 2012, Auzcorp Pty Ltd paid the required cash-in-lieu for on-site car parking and entered into the Licence Agreement as prepared by Council's solicitor. Subsequently the occupancy permit to use the approved rooms was issued on 9 November 2012. Furthermore, a Caveat has been lodged by

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Council's Solicitor on behalf of the Shire over the subject lot ensuring Auzcorp Pty Ltd undertakes its required obligations as detailed in the Licence Agreement.

The subject Licence Agreement is now required to be executed by the Shire and approval is now sought from Council to affix the common seal accordingly.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

4.5 EXECUTION OF DOCUMENTS

**PLAN FOR FUTURE OF THE DISTRICT**

Not applicable.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/245**

**MOVED: Cr Anita Grace**

**SECONDED: Cr Craig Hoyer**

**THAT Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Licence Agreement between the Shire of East Pilbara and Auzcorp Pty Ltd for the purposes of access and car parking within the Kalgan Drive, Welsh Drive and Fortescue Avenue road reserves, Newman.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

**9.3.4 ADOPTION OF AMENDED LOCAL PLANNING POLICY NO. 1 - EAST  
NEWMAN MASTER PLAN**

**File Ref:** PLN-2-1  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** East Newman Residential  
**Name of Applicant:** URBIS  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required with regards to the final adoption of amended Local Planning Policy No. 1 – East Newman Master Plan.

**BACKGROUND**

A proposal to amend the East Newman Master Plan was submitted by URBIS in September 2012 for the primary purpose of rationalising the proposed lot sizes and amending the master plan such that it is consistent with subdivision applications as approved by the Western Australian Planning Commission (WAPC). Consequently, Council considered the amendments at the September 2012 meeting where the resolution was as follows:

*THAT Council in accordance with Clause 2.4 of Town Planning Scheme No. 4 resolves to amend Local Planning Policy No. 1 – East Newman Master Plan by replacing the existing plan which was adopted by Council on 29 May 2009 with the plan prepared by URBIS and dated 30 August 2012 and in doing so undertakes the following procedures:*

- 1. Publish a notice of the proposed Policy in a newspaper circulating within the district inviting comments to be made on the proposed Policy and such comment period shall be open for not less than 21 days;*
- 2. Upon completion of the public advertisement period, consider any such submissions received and review the policy where necessary and further resolve to proceed with the adoption of such policy with or without modification and/or resolve not to proceed with such policy”.*

In accordance with the above resolution, the amendments to the policy were advertised in the North West Telegraph on 10 October 2012 in addition to notices being placed on the notice board opposite the post office. Submissions were invited to be lodged up to and including 31 October 2012. At the close of the advertising period, one (1) submission was received from the planning consultant acting on behalf of the owners of adjoining Lot 511 at the corner of Great Northern Highway and Kalgan Drive.

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

The submission referred to above provided the following details/content:

- Lot 511 is currently the subject of an application for subdivision approval by WAPC who have advised the property owners of Lot 511 that they are not prepared to approve a plan of subdivision unless it is incorporated into the East Newman Master Plan;
- Should Lot 511 not be included into the Master Plan it will result in long delays in getting the available land to the market in an effort to resolve part of the house and land shortage within Newman;
- Request that Lot 511 be included with the additional application of the R-Codes densities so as to provide clear guidance as to the development controls within the Master Plan area.

In response to the submission made, it is acknowledged that Lot 511 was originally included into the Master Plan area as it was originally in the ownership of the WA Land Authority (Landcorp as agent) but was later sold as fee simple land. However, the decision was made to exclude them in the plan submitted in September 2012 as the Master Plan was dealing only with land in the control of Landcorp. However, given the latest issues with regards to WAPC, it is considered acceptable to include Lot 511 once again.

With particular regard to the subdivision proposed over Lot 511, it is noted that Council considered the subdivision at its meeting held on 24 August 2012 where it resolved to advise WAPC that it supported the subdivision as it is reflected in the proposed amended master plan.

In relation to the proposal to include the applicable R-Code densities, it is agreed that it will resolve any confusion with regards to development standards when applications are received for Building Permits.

In all, since Council first considered the amendments in September, there have been no changes with regards to the lot layout, yield and sizes of the Landcorp development area(s). It is considered that the inclusion of Lot 511 and R-Codes is proper and orderly and therefore the amended master plan should be adopted by Council.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

In accordance with Clause 2.4 of Town Planning Scheme No. 4, Council has advertised the proposed amendments and invited submissions of which one (1) was received and has been considered by this report. Council is now required to consider the overall amendments to the policy and resolve to adopt the changes or not to proceed.

### **POLICY IMPLICATIONS**

Nil.

## PLAN FOR FUTURE OF THE DISTRICT

### Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

#### 1.6 Planning for Land

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/246**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Anita Grace**

**THAT Council:**

1. Resolves to adopt the amendments to Local Planning Policy No. 1 – East Newman Master Plan in accordance with the plan prepared by URBIS with reference number “DWG NO 001 REV D” and dated 9 November 2012 which incorporates those points as detailed in the submission received in relation to Lot 511 Great Northern Highway; and
2. Cause the adopted amendments to be advertised in a newspaper circulating within the Scheme area advising of Council’s adoption and such amendments to the Policy shall come into effect on the date of publish of such notice.

**CARRIED**  
**RECORD OF VOTE: 9 - 0**

*To be actioned by Mr Adam Majid, Manager Development Services – Planning.*



NOMINATED POS AREA ACTIVE/PASSIVE	NOMINATED DRAINAGE AREA
1 1.6303ha	9 1.9679ha
2 0.2897ha	10 0.9463ha
3 0.7075ha	11 1.0739ha
4 1.1903ha	12 0.1797ha
5 0.4789ha	13 0.3124ha
6 0.2196ha	
7 0.9216ha	
8 0.0400ha	
Total 5.4779ha	Total 4.4802ha
Gross Area	51.5473 ha
Less Nominate Drainage Area	4.4802 ha
Gross Subdivisible Area	47.0671 ha
P.O.S. Required (10%)	4.7067 ha
P.O.S. Provided (11.64%)	5.4779 ha

KEY

R1S	Single Residential Lots. (Lot Area Minimum 580m <sup>2</sup> )
R20	Single Residential Lots. (Lot Area Minimum 440m <sup>2</sup> )
R30	Single Residential Lots. (Lot Area Minimum 270m <sup>2</sup> )
R40	Grouped or Multiple Dwelling Lots.
R40	Single Residential Lots. (Lot Area Minimum 200m <sup>2</sup> )
	Public Open Space P.O.S.
	Drainage Corridor
	Community Purpose Site

East Newman Masterplan  
Residential Development

DATE 09.11.2012 DWG NO 001 REV D SCALE 1:2500 (A1)  
Level 1, 55 St Georges Ter., Perth, WA 6000 Australia  
Tel +618 9346 0500 Fax +618 9221 1779  
info@urbis.com.au www.urbis.com.au  
Urbis Pty Ltd ABN 50 105 256 288  
Australia, Asia, Middle East



**9.3.5 FINAL ADOPTION OF LOCAL PLANNING POLICY NO. 9 - NEWMAN  
TOWN CENTRE STYLE GUIDE AND DESIGN GUIDELINES**

**File Ref:** PLN-2-1  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for the final adoption of proposed Local Planning policy No. 9 – Newman Town Centre Style Guide and Design Guidelines.

**BACKGROUND**

The draft Style Guide and Design Guidelines was presented to Council at its meeting held on 28 September 2012 where council resolved the following:

*“THAT Council in accordance with Clause 2.4 of Town Planning Scheme No. 4 resolves to prepare Local Planning Policy No. 9 – Newman Town Centre Style Guide and Design Guidelines and undertake the following procedures:*

- 1. Publish a notice of the proposed Policy in a newspaper circulating within the district inviting comments to be made on the proposed Policy and such comment period shall be open for not less than 21 days;*
- 2. Upon completion of the public advertisement period, consider any such submissions received and review the policy where necessary and further resolve to proceed with the adoption of such policy with or without modification and/or resolve not to proceed with such policy”.*

In accordance with the above resolution, the proposed policy was advertised in the North West Telegraph on 10 October 2012 in addition to notices being placed on the notice board opposite the post office. Submissions were invited to be lodged up to and including 31 October 2012. At the close of the advertising period no submissions were received.

**COMMENTS/OPTIONS/DISCUSSIONS**

Redevelopment of the Newman Town Centre is considered a priority as identified by the Newman Revitalisation Plan (NRP) which has been adopted at both a local and state level of governance. At present, the town centre lacks identity and functionality and through the staged implementation of the town centre will be transformed such that it will encourage new commercial, retail and residential opportunities.



However, in order to control and guide the design and style of the town centre, it is important to implement tools promoting a common vision in order to bring the NRP to fruition. The Style Guide and Design Guidelines have been developed to encourage best practice building design guidelines to help promote and deliver a feasible and sustainable built form which conforms to the Pilbara landscape (built and natural) and climatic conditions.

As part of development proposals within the town centre, applicants will need to ensure that the building proposals comply with the content of the policy; however, it is not intended as being a restrictive document. Where an applicant can provide a design option which is similar to that which is proposed in the policy and/or more effective than the policy, then such proposal may be permitted at the discretion of Council. Primarily, it is intended that developers provide buildings which are useable both today and in the future to ensure that the town centre can evolve and adapt where and when required.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

In accordance with Clause 2.4 of Town Planning Scheme No. 4, Council has previously resolved to prepare the policy and has subsequently advertised the policy in accordance with sub-clause 2.4.1. Given that no submissions were received and no further changes are required to the document, Council must now resolve to adopt the policy or not to proceed with the policy in accordance with sub-clause 2.4.2.

### **POLICY IMPLICATIONS**

Nil.

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

#### 1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns.  
July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

### **FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/247**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Stephen Kiernan**

**THAT Council:**

- 1. Adopt Local Planning Policy No. 9 – Newman Town Centre Style Guide and Design Guidelines without modification(s); and**
- 2. Cause the adoption to be published in a newspaper circulating within the Scheme area advising of Council's adoption and such Policy shall come into effect on the date of publish of such notice.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

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

**9.3.6 FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME  
AMENDMENT NO. 16**

**File Ref:** PLN-2-2-16  
**Attachments:** [A16.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** 1 Trotman Avenue and 21 & 22 Giles Avenue,  
Newman  
**Name of Applicant:** Whelans  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for the final adoption of proposed Town Planning Scheme Amendment No. 16 for the purposes of rezoning Lot 1 Trotman Avenue and Lots 21 and 22 Giles Avenue.

**BACKGROUND**

Council at its meeting held on 28 July 2012, resolved the following:

*"THAT Council:*

- 1. In pursuance of Section 75 of the Planning and Development Act 2005 resolves to support the initiation to amend the Shire of East Pilbara Town Planning Scheme No. 4 by:
  - a. Rezoning Lot 1 Trotman Avenue and Lots 21 and 22 Giles Avenue , Newman from Residential R15 to Residential R15/40; and*
  - b. Amending the Scheme Maps accordingly.**
- 2. Numbers the proposed amendment No. 16 and forwards such amendment to the Western Australian Planning Commission in accordance with the Town Planning Regulations 1967 and to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 prior to advertising in accordance with the Town Planning Regulations 1967".*

The purpose of the amendment is to recode the subject lots from "Residential R15" to "Residential R15/40". The primary zoning of the subject lots will remain unchanged as "Residential" as depicted by Clause 4.2(a) of Town Planning Scheme No. 4. Ultimately, by applying the split coding, it will allow the properties to be developed to a higher density subject to compliance with Council's Residential Development Policy.

## **COMMENTS/OPTIONS/DISCUSSIONS**

Following the above resolution, the proposed amendment was advertised in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967 which resulted in the following:

- Environmental Protection Authority advised that the proposed amendment would not need to be assessed under the Environmental Protection Act 1996;
- No neighbouring property owner submissions were received; and
- No responses were received from utility providers.

With regards to the local planning context, it is considered that the proposed amendment is consistent with Council's current Local Planning Strategy and the overall objectives of the Newman Revitalisation Plan. Furthermore, any future development of the subject lots will need to be in accordance with Council's Residential Development Policy. The policy identifies that the lots can be developed as grouped dwellings only and must achieve the built form outcomes as detailed in the policy.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

The proposed amendment has been prepared and advertised in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). Council is now required to resolve to adopt the amendment with or without modification or resolve not to adopt the amendment.

## **POLICY IMPLICATIONS**

Nil.

## **PLAN FOR FUTURE OF THE DISTRICT**

### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/248**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Lang Coppin**

**THAT Council:**

- 1. In pursuance of Section 75 of the Planning and Development Act 2005 (as amended) and Regulations 17(2)(a) and 25 of the Town Planning Regulations 1967 (as amended) resolves to adopt Town Planning Scheme Amendment No. 16 without modification(s);**
- 2. Authorises the Shire President and the Chief Executive Officer to apply the Shire seal and execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967; and**
- 3. Forwards the documents executed in Point 2 above to the Western Australian Planning Commission for final approval by the Minister of Planning.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

***To be actioned by Mr Adam Majid, Manager Development Services – Planning.***

**9.3.7 FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME  
AMENDMENT NO. 17 AND OUTLINE DEVELOPMENT PLAN**

**File Ref:** PLN-2-2-17  
**Attachments:** [A17.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Unallocated Crown Land adjoining Lot 688  
Newman Drive, Newman  
**Name of Applicant:** Megara Developments  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for the final adoption of proposed Town Planning Scheme Amendment No. 17 and associated Outline Development Plan (ODP) in respect of the proposal to rezone a portion of unallocated Crown land.

**BACKGROUND**

Council at its meeting held on 28 July 2012 resolved the following:

*"THAT Council:*

- 1. In pursuance of Section 75 of the Planning and Development Act 2005 resolves to support the initiation to amend the Shire of East Pilbara Town Planning Scheme No. 4 by:
  - a. Rezoning a portion of Unallocated Crown Land adjoining Lot 688 Newman Drive, Newman, to 'Special Use' zone with a 'SU 15' designation as shown on the Scheme Amendment Map; and*
  - b. Amending the Scheme Map accordingly.**
- 2. Numbers the proposed amendment No. 17 and forwards such amendment to the Western Australian Planning Commission in accordance with the Town Planning Regulations 1967 and to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 prior to advertising in accordance with the Town Planning Regulations;*
- 3. In addition to number 2 above, advertises the amended Outline Development Plan simultaneously for public comment and consider such comments simultaneously with any submissions received on the proposed Scheme Amendment".*

The purpose of the amendment is to rezone a portion of Unallocated Crown Land from "Community and Cultural Purposes" to "Special Use 15" of which such special use is for the purposes of "Residential and Tourist Accommodation". Council is familiar with the existing residential development at Lot 688 Newman Drive which has

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recently been completed. The proposal for amending the Town Planning Scheme has been prepared by and submitted by the same developer whom undertook the development and as such, is proposing the expansion of the development to provide a further potential 43 residential lots.

The subject land is currently Unallocated Crown land subject to Native Title which Megara is currently in the process of purchasing from the State for the purposes of residential development. The Department of Regional Development and Lands has given its consent to Megara to apply for the rezoning and subsequently commence the process while simultaneously resolving Native Title and the purchase of such portion.

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

Further to the above resolution, the amendment and associated Outline Development Plan (ODP) was advertised in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967. Advertising included a letter to the Environmental Protection Authority, letters to adjoining property owners in addition to local utility service providers. Given the large nature of the site a referral was also sent to both the Department of Environment and Conservation and Department of Water. At the close of the advertising period, the following was received:

- Notice from the Environmental Protection Authority advising that the proposal will not need to be assessed under the Environmental Protection Act 1996;
- Department of Environment and Conservation advised they have no comment;
- Megara Developments made a submission as an adjoining property owner advising they are supportive;
- BHP Billiton as power service provider advised they were not supportive of the application given the presence of the high voltage line. Further advice was given stating that they may support the development subject to the applicant doing one of the following:
  - Redesigning the high voltage line and putting such underground; or
  - Ensuring that an easement is created to provide a ten (10) metre setback from the centre of each power pole.

With respect to the comments received from BHP Billiton, the applicant has advised that it would pursue the method of creating an easement should approval to purchase and develop the land be provided by Regional Development and Lands. With regards to the ODP, it is not expected that there would be any requirement to modify the layout of such plan. Furthermore, it is considered that the impact of the power lines is more of a development/technical issue and therefore does not affect Council progressing the amendment at hand.

It is noted that no other submissions were received from the adjoining/nearby property owners.

With regards to the local planning framework, it is deemed that the proposal to amend the Town Planning Scheme is consistent with Council's statutory and strategic Town Planning documents. The proposal would provide greater housing choice and increase available housing to meet a portion of the shortage currently

being experienced within the Newman townsite. In assessing the proposed amendment, consideration should be given to the product already being provided by the applicant. Generally, the housing product supplied in addition to the civil works has been of a satisfactory standard and the same level would be expected to be attained should the proposal progress.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

The proposed amendment has been prepared and advertised in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). Council is now required to resolve to adopt the amendment with or without modification or resolve not to adopt the amendment.

### **POLICY IMPLICATIONS**

Nil.

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.



**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/249**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Craig Hoyer**

**THAT Council:**

- 1. In pursuance of Section 75 of the Planning and Development Act 2005 (as amended) and Regulations 17(2)(a) and 25 of the Town Planning Regulations 1967 (as amended) resolves to adopt Town Planning Scheme Amendment No. 17 without modification(s);**
- 2. Approves the Outline Development Plan with file reference "MEG UCL 2-01" dated 12 June 2012 in accordance with Condition 1 of Special Use 16 as provided for in Schedule 4 – Special Use Zones of Town Planning Scheme No. 4;**
- 3. Authorises the Shire President and Chief Executive Officer to apply the Shire seal and execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967; and**
- 4. Forwards the documents executed in point 3 above to the Western Australian Planning Commission for final approval by the Minister of Planning.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

***To be actioned by Mr Adam Majid, Manager Development Services – Planning.***

### 9.3.8 PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 18

**File Ref:** PLN-2-2-18  
**Attachments:** [A 18.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lot 1642 Trotman Avenue and Lots 10 & 581  
Newman Drive  
**Name of Applicant:** URP on behalf of Roselly Pty Ltd  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

Council's consideration is required for the initiation of proposed Town Planning Scheme Amendment No. 18.

#### BACKGROUND

Council is in receipt of a request to amend Town Planning Scheme No. 4 for the purposes of the following:

1. Reclassifying Reserve 38561 being Lot 1642 Trotman Avenue and Lot 10 Newman Drive, Newman from 'Local Scheme Reserve – Recreation' to 'Town Centre' zone;
2. Reclassifying Lot 581 Newman Drive, Newman from 'Mixed Business' zone to 'Town Centre' zone; and
3. Amending the Scheme Map in accordance with the Scheme Amendment Map.

The reason for the application is in response to the conditions of approval imposed by Council in relation to the expansion of the Newman Hotel/Motel. Council at its meeting held on 23 March 2012 approved the 132 room addition and car parking on the subject lots with condition one (1) of such approval reading as follows:

*"Within 12 months from the date of this approval, the applicant shall submit to Council a Town Planning Scheme Amendment for the purposes of rezoning Lots 1642 and Lot 10 Newman Drive from Reserve for Recreation to Town Centre and amend the Scheme map accordingly".*

The property owner has contracted URP to undertake the process on their behalf and during initial consultation noted that Lot 581 will also need to be rezoned to make the entire area consistent and zoned wholly as Town Centre. As such, Lot 581 is included in the proposed amendment and the property owner is complying with the above mentioned condition by submitting the application.

## COMMENTS/OPTIONS/DISCUSSIONS

### Lot Details:

The lots the subject of this application are described as follows:

- Lot 10 Newman Drive:
  - Held in fee simple by Roselly Pty Ltd;
  - Currently zoned as a local reserve for the purposes of “Recreation”
  - As per Council approval of March 2012, is approved to have both accommodation and car parking developed on it;
- Lot 581 Newman Drive:
  - Held in fee simple by Roselly Pty Ltd;
  - Currently zoned Mixed Business;
  - As per Council approval of March 2012, is approved to accommodate car parking;
- Lot 1642 Trotman Avenue:
  - Crown Land vested to the Shire as a Reserve for Recreation for the primary purpose of a Park and as such, is zoned as a local reserve for “Recreation”;
  - In July 2009 Council resolved to support the sale of the land as it was not beneficial to retain the land for recreation purposes;
  - Is currently being purchased by Roselly Pty Ltd and a figure agreed to between the purchaser and State Land Services;
  - As per Council approval of March 2012, is approved to accommodate car parking.

As detailed above, the lots have differing planning zones applied to it therefore it is necessary to resolve the zoning anomalies to provide that all lots incorporated by the Hotel/Motel are consistently zoned to allow consistent planning controls/options over the site.

### Local Planning Framework:

As detailed previously, Council have approved the redevelopment of the subject lots for the purposes of expanding the Hotel/Motel. Preliminary works have been undertaken with the expected completion in early 2013.

In respect of the Local Planning Strategy, the subject area is identified as forming the overall generic Town Centre and is noted as being retained as the primary commercial area of Newman. The Hotel/Motel use of the site is therefore consistent with the commercial emphasis therefore the rezoning of the subject lots to Town Centre is consistent with the Local Planning Strategy.

In considering the anomalies at hand in respect of the current zoning of the subject lots, and the fact that Council has supported the sale of the Recreation Reserve, it is considered appropriate to normalise the zoning of the land consistent with the zone of the remainder of the Hotel/Motel site in conjunction with the approved development(s).

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Compliance is required with Part 5, Section 75 of the Planning and Development Act 2005 (as amended) in addition to Regulation(s) 25 and 25AA of the Town Planning Regulations 1967. Should initiation be granted to the proposal, Council is obliged to inform the Western Australian Planning Commission and following such, submission to the Environmental Protection Authority for assessment. Should both stated agencies support the progression of the proposal, the amendment would be advertised for a period of not less than 42 days for agency and public comment. Following advertising, Council will be required to reconsider the proposal as well as submissions received.

### **POLICY IMPLICATIONS**

Nil.

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/250

MOVED: Cr Anita Grace

SECONDED: Cr Lang Coppin

THAT Council:

1. In pursuance of Section 75 of the Planning and Development Act 2005 (as amended) resolves to the support the initiation to amend the Shire of East Pilbara Town Planning Scheme No. 4 by:
  - a. Reclassifying Reserve 38561 being Lot 1642 Trotman Avenue and Lot 10 Newman Drive, Newman from 'Local Scheme Reserve – Recreation' to 'Town Centre' zone;
  - b. Reclassifying Lot 581 Newman Drive, Newman from 'Mixed Business' zone to 'Town Centre' zone; and
  - c. Amending the Scheme Map in accordance with the Scheme Amendment Map.
2. Numbers the proposed amendment No. 18 and forwards such amendment to the Western Australian Planning Commission in accordance with the Town Planning Regulations 1967 (as amended) and to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005 (as amended) prior to advertising in accordance with the Town Planning Regulations 1967 (as amended).

CARRIED  
RECORD OF VOTE: 9 - 0

*To be actioned by Mr Adam Majid, Manager Development Services – Planning.*

**9.3.9 PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE (RIGHT OF WAY) - REAR OF LOT 251 COOKE STREET, NULLAGINE**

**File Ref:** A300140  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lot 251 (formerly Lots 11 & 12) Cooke Street,  
Newman  
**Name of Applicant:** Ms Kerry Edwards  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for the proposed closure of the portion of road reserve (right of way) at the rear of Lot 251 Cooke Street, Nullagine.

**BACKGROUND**

Council, at its meeting held on 27 April 2012, resolved the following:

*"THAT Council:*

- 1. Receives the request from the applicant to close a portion of the Right of Way at the rear of Lots 11 and 12 Cooke Street and resolves to initiate such closure of the requested portion;*
- 2. Advertises the proposed closure of a portion of the Right of Way for a period not less than 30 days to adjoining/nearby land owners and service/utility providers; and*
- 3. Advises the applicant that all costs related to the advertising of such closure shall be paid for by the applicant".*

The closure is requested on the basis that the road/right of way is no longer required for the subject lots to function and the purchase of the land may allow future redevelopment of the subject lots which currently have approval for accommodation units.

It is noted that the previous resolution referred to Lots 11 and 12; however, since the commencement of the closure, the subject lots were amalgamated and are now legally known as Lot 251.

**COMMENTS/OPTIONS/DISCUSSIONS**

In accordance with Section 58 of the Land Administration Act 1997, the proposed closure was advertised in the North West Telegraph inviting submissions for a period of 35 days. Additionally, letters were sent to adjoining/nearby property owners and service providers being Telstra, Water Corporation and Horizon Power requesting comments (if any). A response was received from Horizon Power advising they did

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not object in addition to both the Department of Health and Pilbara Manganese (as adjoining/nearby property owners) also stating they did not object to the proposal.

Given that there were no objections received, it is now possible for Council to further support the closure.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product  
Ongoing – Lobbying/Advocacy role  
Responsible Directorate – Executive and Development and Regulatory Services

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/251**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Stephen Kiernan**

**THAT Council resolves to request the Minister for Lands to formally close the portion of Road Reserve/Right of Way at the rear of Lot 251 (formerly Lots 11 and 12) Cooke Street, Nullagine in accordance with Section 58(2) of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

***To be actioned by Mr Adam Majid, Manager Development Services – Planning.***

W & K EDWARDS  
25/01/12  
PO BOX 8  
NULLAGINE 6758  
Phone 91762099 ABN 91 430 619 437

Dear Sir/Madam,

Myself and my husband would like the Shire of East Pilbara to close the R.O.W. lane at the back of Lots 11 and 12 Cooke Street in Nullagine. The lane serves no purpose to the community and no-one uses it as a laneway. There is a block of unallocated crown land on the other side of this laneway that hasn't been taken up.

We have an application in to the Dept of Regional Lands and Development to purchase this 6 metre stretch of laneway and were advised to have the Shire close the lanes prior to purchase.

We currently have an accomodation camp development underway on Lots 11 and 12 and would like to use this portion of land at the back of our blocks to create a landscaped garden area to complement our development.

Yours sincerely

Kerry and William Edwards  
NULLAGINE





**9.3.10 PROPOSED RESIDENTIAL DWELLING WITH SUPPLEMENTARY  
ACCOMMODATION - LOT 37 HOMESTEAD RAMBLE, NEWMAN**

**File Ref:** A701595  
**Attachments:** [Lot 37 Homestead Ramble.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** 5 Homestead Ramble, Newman  
**Name of Applicant:** Questus Capital Solutions  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for a proposed Residential Dwelling incorporating Supplementary Accommodation which is deemed as a use not listed under Town Planning Scheme No. 4.

**BACKGROUND**

An application for planning approval has been received from the applicant proposing a Single Dwelling incorporating Supplementary Accommodation which is being developed under the National Rental Affordability Scheme (NRAS). Council has previously been presented with information relating to NRAS as presented by Questus Capital Solutions and subsequently, considered similar applications by the same applicant at the August 2012 ordinary meeting of Council.

The proposal is for the development of a three (3) bedroom, two (2) bathroom house incorporating a self-contained one (1) bedroom, one (1) bathroom unit including living area. The building is presented as a single storey building under one roof structure with a fire separated wall between the dwelling and unit and each have their own independent access. The proposal is similar to those applications previously approved by Council.

**COMMENTS/OPTIONS/DISCUSSIONS**

Supplementary Accommodation is defined in the advertised draft revisions of the Residential Design Codes (R-Codes) as being:

*“Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house but integrated with the main dwelling in terms of overall design and site provisions such as parking and utilities and street access but with an area of open space dedicated to the private use of that accommodation unit”.*

Generally, the development requirements are similar to that of an Ancillary Accommodation which are:

- Lot is not less than 450m<sup>2</sup>;
- Open space requirements of Table 1 are met;
- Maximum floor area of 70m<sup>2</sup>;
- Additional parking provided; and
- Adequate privacy afforded to each dwelling provided

The subject lot has a total size of 761m<sup>2</sup> which conforms to the designated R-Code density of R15 and as such, achieves the minimum required site area required for such development as noted above. The design of the proposed building is such that it presents as a single dwelling therefore maintaining a low density streetscape. All other applicable provisions of the both the current and draft R-Codes have been complied with.

Given that the current proposal is consistent with approvals issued previously by Council, it is considered acceptable and appropriate for Council to favourably consider the subject development.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Where a proposed development is not specifically mentioned in the zoning table of the Town Planning Scheme and does not fit in with another associated use, the Council may determine that it is consistent with the objectives of a particular zone and approve such development with or without advertising such proposal and or resolve to refuse such proposal where a development is considered inconsistent with the zone. In considering the proposal at hand, it is considered that the development is consistent with zone objectives. Furthermore, the applicant may apply for the review of a Council decision at the State Administrative Tribunal.

### **POLICY IMPLICATIONS**

Nil.

### **PLAN FOR FUTURE OF THE DISTRICT**

#### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/252**

**MOVED: Cr Doug Stead**

**SECONDED: Cr Lang Coppin**

**THAT Council approves the proposed Residential Dwelling incorporating Supplementary Accommodation at Lot 37 Homestead Ramble, Newman subject to the following conditions:**

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 2. Prior to the issue of a Building Permit, the applicant shall provide evidence that the proposed development complies with the Landcorp East Newman Residential Design Guidelines;**
- 3. Access to the Supplementary Accommodation shall be from the side or rear of the proposed development or such other alternative subject to the approval of the Manager Development Services – Planning;**
- 4. One (1) additional car parking space shall be provided and dedicated for the permanent use of the Supplementary Accommodation in addition to the minimum required for single residential development;**
- 5. Outdoor Living provided for the Residential Dwelling shall be in accordance with Table 1 of the Residential Design Codes in addition to a sufficient area being provided to the Supplementary Accommodation and such areas shall be private to both the Dwelling and Supplementary Accommodation;**
- 6. Fencing to the front boundary is not permitted and all other fencing within the primary street setback area shall be in accordance with the Residential Design Codes.**

**CARRIED  
RECORD OF VOTE: 9 - 0**

***To be actioned by Mr Adam Majid, Manager Development Service – Planning.***

**9.3.11 PROPOSED TEMPORARY CARAVAN PARK - LOT 21 NEWMAN DRIVE,  
NEWMAN**

**File Ref:** A700826  
**Attachments:** [Red Sands Caravan Park.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Newman Drive - Adjoining Red Sands Tavern  
**Name of Applicant:** URP on behalf of Red Sands Newman Pty Ltd  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for a proposed temporary caravan park to be located on land adjoining the Red Sands Tavern.

**BACKGROUND**

Council is in receipt of a planning application for the purposes of a temporary caravan park for a period up to two (2) years to be located on Lot 21 Newman Drive, Newman which adjoins the Red Sands Tavern. The subject lot is zoned "Special Use 12" under Town Planning Scheme No. 4 for the specific purposes of the following use(s):

- Caravan Park;
- Motel;
- Tavern;
- Grouped Dwellings; and
- Ancillary Uses thereto.

With respect to previous approvals issued over the subject lot, an approval was granted by the state governments Development Assessment Panels on 1 February 2012 for the purposes of an 88 room Motel. The applicant has indicated that the owner is still looking to construct the approved Motel in the future years to come, however it is noted that the approval will lapse on 31 January 2014 if the Motel has not been substantially commenced. Given that the proposal the subject of this application is requested for two (2) years, the owner will need to reapply for approval for a Motel.

The proposed caravan park includes the following:

- A total of 33 on-site caravans incorporating:
    - Five (5) two room caravans (10 double beds with ensuite);
    - 28 three (3) room caravans (84 king single beds with ensuite);
  - Laundry facility;
  - Reception; and
  - Open/shaded recreational areas.
-

In total, the caravan park proposes to accommodate up to a potential 104 persons at any one time. The proposal has intentionally avoided providing a commercial eating facility as it is perceived that the majority of the caravan park users will utilise the adjoining Red Sands Tavern for meal purposes. However, in accordance with the Caravan Parks and Camping Grounds Regulations, the proposal has incorporated cooking facilities into each caravan unit.

The applicant has indicated that the primary focus of the proposed caravan park is to meet the perceived demand and short fall in construction workers accommodation, in particular, the applicant makes reference to recently approved housing developments including Kurra at Newman, East Newman and future developments including town centre related projects and the development of Lot 511 Great Northern Highway. While it is noted that thought has been given to the development of the Newman townsite, it is impractical to expect that the proponent would only aim to accommodate town construction accommodation when there is a consistent demand for mining related workers accommodation.

### COMMENTS/OPTIONS/DISCUSSIONS

#### Local Planning Framework:

For the purposes of Town Planning Scheme No. 4 (the Scheme), a Special Use zone only allows a person to use such land for the purposes that are set out in Schedule 4 of the Scheme. Given that a caravan park is a use which is permitted for Special Use 12 as stated in Schedule 4, the proposal to develop the site in accordance with the submitted application is permitted subject to planning approval being granted.

For the purposes of the Scheme, a caravan park is defined as follows:

*“means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.”*

In considering the proposal at hand, it is deemed that it complies with the definition as provided in the Scheme.

With regards to the compatibility with surrounding uses, it is noted that there is a service station to the north, existing caravan park (Whaleback Village) to the east, Red Sands Tavern and grouped dwelling development to the south and a vacant reserve area to the west in addition to residential dwelling further to the south-west. Additionally, BHP Billiton’s Kurra Village lies further to the north-west along Newman Drive. Generally, the proposal is consistent with adjoining/nearby existing used.

#### Caravan Parks and Camping Grounds Legislation:

In addition to the relevant town planning laws, all caravan parks and camping facilities in Western Australia are governed by the Caravan Parks and Camping Grounds Act 1995 (as amended) and subsidiary legislation being the Caravan Parks and Camping Grounds Regulations 1997 (as amended). Further to the above definition provided by the Scheme, a Caravan Park is defined under the Caravan Parks and Camping Grounds Act 1995 as:

*“means an area of land on which caravans, or caravans and camps, are situated for habitation;”*

Furthermore, a Caravan is defined under the same Act as being:

*“means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;”*

Given that a caravan is referred to as being a vehicle, it is implied that all caravans must be capable of being propelled or drawn on wheels as defined by under the before mentioned Act. On review of the plans submitted by the applicant, it is deemed that the proposed on-site caravans meet the definitions provided above and therefore would comply with the relevant Act and Regulations.

However, as part of the Act and Regulations, all Caravan Parks are required to be licenced and meet the minimum requirements as provided for in Schedule 7 of the Caravan Parks and Camping Grounds Regulations 1997 (the Regulations). On review of the plans provided by the applicant, and in consultation between the applicant and the Shire’s town planning section, it is deemed that the proposal generally complies with the requirements of Schedule 7 of the Regulations.

However, particular mention needs to be given to the issue of car parking and the requirements to provide such car parking. It is noted the Regulations require only one (1) parking space per twenty (20) caravan sites with a minimum of four (4) spaces being provided. This is different to Local Planning Policy No. 4 – Vehicle Parking Standards which identifies that a Caravan Park is to provide at least one (1) space per caravan bay. In considering the requirements under both situations, in accordance with the Regulations there would be a requirement of only four (4) spaces and under the policy the requirement would be 33. In considering the proposed user of the subject site, it is generally acceptable to consider that a majority of workers would car pool as they generally work in groups. Additionally, some contractors are transported by bus to and from mine sites.

In response to the issue of car parking, the applicant has provided a total of 31 car parking spaces with a proposal to use the Red Sands Tavern as overflow and for a bus pick up and drop off area. If Council was to consider granting approval to the proposal, it would be considered prudent to enforce the supply of the required 33 car parking spaces by way of a condition being imposed.

Servicing:

The applicant has indicated that the subject site is well serviced by power, water and sewerage connections. There are no perceived issues except for the sewer service. Given that the site is sloping in nature, the applicant has advised that a sewer pump will be required which will then be incorporated into the future Motel.

Additionally, Council’s treated waste water pipe is located within the Newman Drive road reserve which the subject lot fronts onto. If approval is considered by Council, conditions requiring the pipe to be reinforced and placed underground of the proposed crossover will need to be applied.

General comments:

The proposed caravan park generally complies with the requirements of Town Planning Scheme No. 4 in addition to the Caravan Parks and Camping Grounds Act and Regulations. However, the amenity of the area needs to be considered, particularly the visual amenity and impact that the proposal may have on the adjoining uses and the fact that the site is located along a main northern entry road into Newman. The applicant has provided that inclusion of landscaping to the Newman Drive road reserve in addition to proposed decorative shade cloth to be applied to the front boundary fencing.

While measures have been taken to address the visual impact of the site, in particular regards to the proposed shade cloth, it is noted from other examples around the town that the life span of such cloth is relatively short due to the high temperatures fading the colours/designs. While it would be difficult to refuse an application based purely on visual impact, it is possible to enforce a high standard by way of conditions ensuring the continual maintenance and replacement (where required) of the proposed screening. Additionally, it is appropriate to enforce the constant maintenance and growth of a structured landscaping plan as proposed by the applicant.

Further and additional to the issue of the amenity is the potential for social issues to arise as a result of a potential 104 persons within a confined area and adjoining a tavern where the intake of excessive amounts of alcohol may impact the amenity. This is of particular concern as there has been no allowance for an on-site manager to oversee the function of the proposed development. However, there is no direct requirement for a licence holder under the regulations to have a manager on-site to control the activities on site. In considering the potential user of the proposed caravan park and its surroundings, it would be considered appropriate for Council to impose the need of a management plan ensuring that social activities occurring on the proposed site do not affect surrounding land uses.

Subject to a series of conditions being imposed, it is considered appropriate for Council to grant planning approval based on the fact that the proposal is a permitted use on the subject site.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Following planning approval, the proponent will need to apply for a licence to operate the caravan park in accordance with the Caravan Parks and Camping Grounds Act 1995 and associated Regulations.

**POLICY IMPLICATIONS**

Nil.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land



- 1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product  
Ongoing – Lobbying/Advocacy role  
Responsible Directorate – Executive and Development and Regulatory Services

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**THAT Council approves the proposed Caravan Park at Lot 21 Newman Drive, Newman subject to the following conditions:**

- 1. Approval is limited to a period of time not exceeding two (2) years from the date of approval;**
- 2. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 3. Approval is for the purposes of a Caravan Park only and shall be in accordance with the Caravan Parks and Camping Grounds Act 1995 and associated Regulations;**
- 4. Prior to the issue of a Licence to operate a Caravan Park under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations, the applicant shall provide documentation showing compliance with all aspects of the Caravan Parks and Camping Grounds Regulations 1997, in particular, Schedule 7;**
- 5. Prior to the issue of a Licence under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations, the applicant/owner shall apply for a Building Permit for each building that is not classified as a Caravan;**
- 6. Prior to the issue of a Licence under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations, the applicant/owner shall submit a Caravan Park Management Plan including (but not limited to) the following:**
  - a. Evacuation Plan;**
  - b. Fire Management Plan;**
  - c. Facility Management plan incorporating:**
    - i. On-site facility management;**
    - ii. Education;**
    - iii. Noise;**
    - iv. Rubbish;**
    - v. Visitors;**
    - vi. Vehicles; and**
    - vii. Dealing with complaints.**

7. Prior to the issue of a Building Permit, the applicant shall provide a detailed Landscaping and Landscape Management Plan indicating landscaping to be applied both to the Newman Drive road reserve adjoining the subject lot and all internal areas of the subject lot the subject of this application. Both the Landscape Plan and Landscaping Management Plan shall be to the satisfaction of the Director of Technical and Development Services;
8. The proposed Caravan Park shall be suitably screened from view from public spaces and adjoining land uses as far as practicable by way of a decorative screen as indicated on the submitted plans and such screening shall be maintained (including the periodic replacement where required) to the satisfaction of the Manager Development Services – Planning;
9. All proposed on-site Caravans shall be connected and/or be supplied with a potable water supply;
10. All on-site caravans shall be connected to sewer and electricity services to the satisfaction of the relevant service authorities;
11. All crossover(s) shall be design and constructed in accordance with Council policy and to the satisfaction of the Director of Technical and Development Services;
12. Prior to the issue of a Building Permit, the applicant shall provide amended plans indicating the provision of a minimum of 33 car parking spaces and such parking shall be designed in accordance with AS2890.1 and such areas being constructed, sealed, drained and line marked as required by Local Planning Policy No. 4 – Vehicle parking standards and to the satisfaction of the Manager Development Services – Planning;
13. All drainage and stormwater disposal shall be contained within the site boundaries so as not to impact on neighbouring properties and the site being drained in accordance with local conditions and to the satisfaction of the Director Technical and Development Services;
14. All waste generated from the operation of the Caravan Park shall be appropriately contained on site and arrangements being made for the removal of such waste at least once per week of operation at the owner/operators expense;
15. Where Council's waste water reuse pipeline is affected by either proposed landscaping and/or vehicular crossover(s) it shall be moved at the expense of the applicant/owner either underground or realigned to the satisfaction of the Director of Technical and Development Services.

**COUNCIL RESOLUTION: 201213/253**

**THAT Council approves the proposed Caravan Park at Lot 21 Newman Drive, Newman subject to the following conditions:**

- 1. Approval is limited to a period of time not exceeding two (2) years from the date of approval;**
- 2. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 3. Approval is for the purposes of a Caravan Park only and shall be in accordance with the Caravan Parks and Camping Grounds Act 1995 and associated Regulations;**
- 4. Prior to the issue of a Licence to operate a Caravan Park under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations, the applicant shall provide documentation showing compliance with all aspects of the Caravan Parks and Camping Grounds Regulations 1997, in particular, Schedule 7;**
- 5. Prior to the issue of a Licence under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations, the applicant/owner shall apply for a Building Permit for each building that is not classified as a Caravan;**
- 6. Prior to the issue of a Licence under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations, the applicant/owner shall submit a Caravan Park Management Plan including (but not limited to) the following:**
  - a. Evacuation Plan;**
  - b. Fire Management Plan;**
  - c. Facility Management plan incorporating:**
    - i. On-site facility management;**
    - ii. Education;**
    - iii. Noise;**
    - iv. Rubbish;**
    - v. Visitors;**
    - vi. Vehicles; and**
    - vii. Dealing with complaints.**
- 7. Prior to the issue of a Building Permit, the applicant shall provide a detailed Landscaping and Landscape Management Plan indicating landscaping to be applied both to the Newman Drive road reserve adjoining the subject lot and all internal areas of the subject lot the subject of this application. Both the Landscape Plan and Landscaping Management Plan shall be to the satisfaction of the Director of Technical and Development Services;**

8. Prior to the issue of a Licence under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations, the proposed Caravan Park shall be suitably screened from view from public spaces and adjoining land uses through the use of perimeter screening and such screening shall be to the satisfaction of the Chief Executive Officer;
9. All proposed on-site Caravans shall be connected and/or be supplied with a potable water supply;
10. All on-site caravans shall be connected to sewer and electricity services to the satisfaction of the relevant service authorities;
11. All crossover(s) shall be design and constructed in accordance with Council policy and to the satisfaction of the Director of Technical and Development Services;
12. Prior to the issue of a Building Permit, the applicant shall provide amended plans indicating the provision of a minimum of 33 car parking spaces and such parking shall be designed in accordance with AS2890.1 and such areas being constructed, sealed, drained and line marked as required by Local Planning Policy No. 4 – Vehicle parking standards and to the satisfaction of the Manager Development Services – Planning;
13. All drainage and stormwater disposal shall be contained within the site boundaries so as not to impact on neighbouring properties and the site being drained in accordance with local conditions and to the satisfaction of the Director Technical and Development Services;
14. All waste generated from the operation of the Caravan Park shall be appropriately contained on site and arrangements being made for the removal of such waste at least once per week of operation at the owner/operators expense;
15. Where Council's waste water reuse pipeline is affected by either proposed landscaping and/or vehicular crossover(s) it shall be moved at the expense of the applicant/owner either underground or realigned to the satisfaction of the Director of Technical and Development Services.

**CARRIED**  
**RECORD OF VOTE: 8 - 1**

**Cr Anita Grace requested to be recorded against the motion.**

***To be actioned by Mr Adam Majid, Manager Development Services – Planning.***

**Reason for Non Acceptance of Officer's Recommendation: There was an Amendment to No: 8 Condition to be approved by the Chief Executive Officer not the Manager Development Services – Planning.**

### 9.3.12 DETERMINATION OF A PARKING STATION – NEWMAN AIRPORT

**File Ref:** LEG-5-5

**Attachments:** [Drawing for Airport Parking Station Item.pdf](#)  
[Drawing no-2.pdf](#)  
[Drawing no-3.pdf](#)  
[Drawing no-4.pdf](#)

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

**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

1:07 PM Meeting adjourned for lunch.

1:58 PM Meeting resumed, All Councillors and staff returned to Chambers except Cr Anita Grace and Mr Adam Majid.

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### REPORT PURPOSE

For Council to determine, by resolution, that the Newman Airport Parking Precinct, defined by Reserve 44775 Lot 37 Koondra District, Great Northern Highway, and displayed in the **attached** drawing R44775-121126-1, is a parking station pursuant to clause 3.1(1) of the Shire of East Pilbara *Parking and Parking Facilities Local Law 2011*, and to determine permitted conditions and classes of vehicles within that parking station.

### BACKGROUND

On 3 February 2012, Council adopted the Shire of East Pilbara *Parking and Parking Facilities Local Law 2011*. That local law was published in the *Government Gazette* on 9 October 2012.

Pursuant to clause 3.1(1),

*“The local government may by resolution constitute, determine and vary –*

- (a) parking stalls;*
  - (b) parking stations;*
  - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
  - (d) permitted classes of vehicles which may park in parking stalls and parking stations;*
  - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and*
  - (f) the manner of parking in parking stalls and parking stations.”*
-

Such resolution is qualified by the requirement to, "...erect signs to give effect to the determination or resolution" (clause 3.1(2)).

### COMMENTS/OPTIONS/DISCUSSIONS

Controlled parking has already been introduced at the Newman Airport, and has been in place since July 2012. Paid parking was due to commence on 17<sup>th</sup> September 2012 however, this has been postponed due to technical difficulties.

Once paid parking comes into force at the Newman Airport, Council staff need authority to issue warnings and infringement notices for a failure to abide by the rules in the Newman Airport parking precinct. That authority comes from not only the *Parking and Parking Facilities Local Law 2011*, but also in Council's authority to determine the Newman Airport parking precinct a "parking station."

Council should also consider the permitted conditions and classes of vehicles which may park in this parking station. It is suggested that:

- a. Pursuant to clause 3.1(1)(b), the Newman Airport Parking Precinct, defined by Reserve 44775 Lot 37 Koondra District, Great Northern Highway, and displayed in the attached drawing R44775-121126-1, be deemed a parking station;
- b. Pursuant to clause 3.1(1)(c), "No Stopping" is to occur on the Airport Terminal Access Roadway immediately in front of the terminal for the length of road shown on drawing PTC14-121126-2.
- c. Pursuant to clause 3.1(1)(c), "Taxi Zone" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2.
- d. Pursuant to clause 3.1(1)(c), "No Parking" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2. A set down only time of maximum 2 minutes will be designated.
- e. Pursuant to clause 3.1(1)(c), Authorised vehicles only are allowed to access the freight shed area as shown on drawing PTC14-121126-2. This includes light vehicles/sedans dropping off or picking up pets.
- f. Pursuant to clause 3.1(1)(d), Only light vehicles and sedans without trailers will be permitted in the Short Term Parking Area as shown on drawing PTC14-121126-2.
- g. Pursuant to clause 3.1(1)(c), "Loading Zone" to be designated in area marked and signed and as shown on drawings PTC14-121126-2 and PTC99-121126-3."
- h. Pursuant to clause 3.1(1)(d), all vehicles are permitted in the Long Term Parking Area but large or long vehicles are *only* permitted in the Long Term Parking Area as shown on drawing PTC99-121126-3. This includes all long vehicles such as buses, trucks, mini buses, minivans, coasters, boats, caravans and motor-homes or any vehicle with a trailer.
- i. Pursuant to clause 3.1(1)(d), bays D1 to D13 in the Long Term Car Park are designated for "Shuttle Buses" as shown on drawing PTC13-121126-4. Only Shuttle Buses may use these parking stalls. This includes buses, mini buses, minivans and coasters etc.
- j. Pursuant to clause 3.1(2), the Council erect signs to give effect to this determination.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Clause 3.1 Shire of East Pilbara *Parking and Parking Facilities Local Law 2011*.

**POLICY IMPLICATIONS**

Nil.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 – Community Leadership**

*To Provide Sound Leadership and Strong Representation*

3.4 Maintaining a High Standard of Governance

3.4.1 *Ensure compliance with relevant Statutes and statutory authorities.*

*A greater than 90% compliance achievement in the annual compliance audit*

*How funded – Municipal Funds*

*Responsible Directorate – Whole of Organisation*

**FINANCIAL IMPLICATIONS**

Pursuant to clause 3.1(2) of the *Parking and Parking Facilities Local Law 2011*, Council will need to erect signs to give effect to this determination. It is estimated this cost will be minimal and can be funded from account 121173.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/254**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Kevin Danks**

**THAT Council make a determination, pursuant to clause 3.1(1) of the Shire of East Pilbara's *Parking and Parking Facilities Local Law 2011*, that:**

- 1. Pursuant to clause 3.1(1)(b), the Newman Airport Parking Precinct, defined by Reserve 44775 Lot 37 Koondra District, Great Northern Highway, and displayed in the attached drawing R44775-121126-1, be deemed a parking station;**
- 2. Pursuant to clause 3.1(1)(c), "No Stopping" is to occur on the Airport Terminal Access Roadway immediately in front of the terminal for the length of road shown on drawing PTC14-121126-2.**
- 3. Pursuant to clause 3.1(1)(c), "Taxi Zone" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2.**
- 4. Pursuant to clause 3.1(1)(c), "No Parking" is to occur on the Airport Terminal Access Roadway for the length of road shown on drawing PTC14-121126-2. A set down only time of maximum 2 minutes will be designated.**
- 5. Pursuant to clause 3.1(1)(c), Authorised vehicles only are allowed to access the freight shed area as shown on drawing PTC14-121126-2. This includes light vehicles/sedans dropping off or picking up pets.**
- 6. Pursuant to clause 3.1(1)(d), Only light vehicles and sedans without trailers will be permitted in the Short Term Parking Area as shown on drawing PTC14-121126-2.**
- 7. Pursuant to clause 3.1(1)(c), "Loading Zone" to be designated in area marked and signed and as shown on drawings PTC14-121126-2 and PTC99-121126-3."**
- 8. Pursuant to clause 3.1(1)(d), all vehicles are permitted in the Long Term Parking Area but large or long vehicles are only permitted in the Long Term Parking Area as shown on drawing PTC99-121126-3.. This includes all long vehicles such as buses, trucks, mini buses, minivans, coasters, boats, caravans and motor-homes or any vehicle with a trailer.**
- 9. Pursuant to clause 3.1(1)(d), bays D1 to D13 in the Long Term Car Park are designated for "Shuttle Buses" as shown on drawing PTC13-121126-4. Only Shuttle Buses may use these parking stalls. This includes buses, mini buses, minivans and coasters etc.**
- 10. Pursuant to clause 3.1(2), the Council erect signs to give effect to this determination.**

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

***To be actioned by Mrs Kylie Bergmann, Coordinator Executive Services.***



**9.3.13 VARIATION TO TENDER 1/2011/12 AND CAPITAL EXPENDITURE GL  
129056**

**File Ref:** FAC 1-5  
**Attachments:** [100427 revised layout pdf](#)  
[Baggage Handling System pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Leon Burger  
Manager Airport Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

*An Interest was declared by Cr Lynne Craigie for Item No. 9.3.13*

*Nature of Interest: Financial*

*Extent of Interest: Real Estate Agent housing property for sale in this area.*

*Cr Lynne Craigie vacated the Chair*

*Cr Lang Coppin assumed the Chair*

*2:02 PM Cr Lynne Craigie left Chambers.*

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**REPORT PURPOSE**

To seek Council's approval to apply a variation to Tender 1/2011/12 that will allow for the necessary alterations to the RPT Terminal Check-in lounge and service delivery offices to include an additional two check-in counters and baggage handling capacity for outgoing passengers. As these works are not included within the approved FY2012/13 capital budget, approval is further required to increase the Terminal Expansion CAPEX to fund these variations from surplus Operating Income.

**BACKGROUND**

On 27 April 2012 Council adopted the following resolution:

*"OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/270*

*MOVED: Cr Shane Carter SECONDED: Cr Darren Bennetts*

- 1. THAT Council nominates Ahrens for Tender 1/2011-12 as preferred tenderer for the construction of the expansion to the Newman Airport RPT Terminal departures lounge and boarding gates only for the tendered price of \$632,500 inclusive of GST".*

This extension to the departures lounge is intended to relieve pressure on the limited floor space available in that lounge. Work on this project commenced in the first week of September 2012 and is scheduled for completion by 07 December 2012.

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**COMMENTS/OPTIONS/DISCUSSIONS**

Although the holding capacity for passengers in the departures lounge will be increased by some 64%, the unprecedented growth in passenger numbers and aircraft movements over the past year, and specifically since May 2012, is placing increasing pressure on the passenger processing capacity within the check-in lounge and baggage handling facilities.

**FINANCIAL YEAR TOTALS**

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Fore=cast	% Growth
04/05	5087	5082	4951	5049	5260	4595	4369	5084	5662	5501	5996	5778	62414	62414	29.89
05/06	5976	7054	6907	7154	7740	6304	7237	7348	8156	8165	8165	8174	88380	88380	41.60
06/07	8421	9086	8851	9284	8564	6701	7683	8123	8712	9166	10857	10433	105881	105881	19.80
07/08	10968	11414	10879	11800	11888	10339	10255	10628	11187	11858	12183	12252	135651	135651	28.12
08/09	13673	13462	13670	15737	16019	13423	14069	14867	16221	15495	15472	15408	177516	177516	30.86
09/10	16272	14998	15918	15061	15029	12876	13011	13589	16875	15921	16060	16704	182314	182314	2.70
10/11	17872	18401	18807	18287	18418	16846	15931	20412	21918	19434	21465	21515	229306	229306	25.78
11/12	22704	24011	22947	23490	25814	21907	26271	27084	27986	27651	33195	31891	314951	314951	37.35
12/13	34871	37511	35296	40168									147846	443538	40.83

Only four check-in counters are available and, although all counters are co-share, the number of airlines serving this airport has doubled and scheduled flights increased by 35% since September 2012. With the number of airlines now requiring IT check-in facilities the current number of counters are insufficient. With most scheduled services now operated by Code 4C aircraft (160+ seats) as opposed to the traditional Code 3C aircraft (±105 seat), the number of passengers and checked bags to be process within a specific time frame has increased proportionately.

Additional slot requests are already being received and processed for additional scheduled flights early in 2013, including the introduction of an A320 on four scheduled flights per week as from February 2013. October 2012 already produced the record number of passengers per month of 40,168; with all indications being that this number will increase at least for the foreseeable future. Peak flows are being experienced on Tuesdays, Wednesdays and Thursdays, and it is currently estimated that up to 1,950 one-way passengers move through the terminal on Tuesdays. This causes significant bottle necks in term of passenger check-in and checked baggage processing.

Concept designs to relocate the NWS service office to accommodate more check-in counters have been commissioned. Although this is limited within the physical structural space available, two more check-in counters can thus be accommodated, effectively increasing passenger processing capacity by 50%. (Attachment A)

Glidepath, as provider of our current baggage handling and conveyor systems have submitted concept designs and quotes to increase the departures baggage handling

system by 320%. Glidepath is still maintaining our equipment under a four-year service agreement, and in continuing with their product all of the existing systems can be re-use within the new design. (Attachment B).

The approved tender price for the extension to the departures lounge is \$ 596,000 (GST Excl). A total budget allocation of \$800,000 was approved in the FY2012/13 budget to allow for customer supplied equipment such as additional FIDS equipment and screens, boarding gates and seating. It is currently estimated that on completion of this project a surplus of some \$80,000 will be realised from this CAPEX GL.

The real urgency of relieving the increasing pressure on passenger and checked-bag processing necessitates a review of the situation. At the time of submitting the FY2012/13 budget a forecasted number of 342,000 passengers were used in determining the major component of the operating revenue. At the current rate of growth in these numbers the forecast is now 443,500; an increase of 101,500 in numbers, or \$1,939,665 in monetary terms. If taken into account the corresponding (but not proportional) increase in aircraft movements and landing fees, a surplus operating income of >\$2,000,000 should therefore be expected.

Cost Estimates to complete an expansion of the passenger and checked-bag processing facilities and capacity is as follows (GST Excl):

1. Check-in Lounge and Office Extension	\$275,400
2. Outbound Check-in and Carousel Expansion	\$414,000
3. Customer supplied IT and furniture	<u>\$ 60,600</u>
4. Sub-total:	\$750,000
5. CPEX Surplus	<u>-\$ 80,000</u>
<b>TOTAL:</b>	<b><u>\$670,000</u></b>

A variation option to the current Ahrens tender can be exercised. In accordance with the local government tender process, a variation can be exercised based on just cause, and is not limited to an amount or percentage of the original tender price. The following is considered motivation for using the existing tender:

1. Immediate operational urgency.
2. Ahrens is a local company and mobilisation time and costs are eliminated.
3. Ahrens is already on site and have an in-depth understanding of the structural and functional aspects of the building.
4. Some key Ahrens staff has been issued ASICs and they are familiar and comfortable operating within the regulatory safety and security constraints associated with an SEZ (Special Events Area) associate with airside works.
5. Ahrens appreciates the absolute necessity of maintaining operational functionality at all times during construction associated with the terminal building.
6. A very good working relationship already exists that can be exploited during any further projects at this airport

## STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

## **POLICY IMPLICATIONS**

### **3.4 BUDGET AMENDMENTS**

#### **PLAN FOR FUTURE OF THE DISTRICT**

##### **Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

1.2.2 Develop and apply asset management principles to support the maintenance and management of Councils assets.

June 2010

How funded – Municipal Funds

Responsible Directorate – Corporate Services

#### **FINANCIAL IMPLICATIONS**

Existing budget allocation does not allow for the above variation and additional works. In order to fully fund this CAPEX an additional \$670,000 is to be allocated to GL 129056 from surplus Operating Income.

#### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/255**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Doug Stead**

**THAT Council:**

- 1. Approves a variation to Ahrens allocated Tender 1/2011/12 to the value of \$ 275,400 ex GST for the structural extensions and modifications to the RPT check-in lounge and service delivery offices to allow an additional two check-in counters.**
- 2. Approves the engagement of the company Glidepath to design, supply and install an expanded departures baggage handling system to the value of \$414,000 ex GST.**
- 3. Approves the amount of \$60,600 ex GST for the design, manufacturing and installation of check-in counters, FIDS systems, and power relocation associated with this additional check-in capacity.**
- 4. Approves an additional \$670,000 ex GST from surplus Operating Income to the CAPEX budget item GL 129056 to accommodate the necessary additional Airport upgrades as specified.**

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

***To be actioned by Mr Leon Burger, Manager Airport Services.***

2:05 PM *Cr Lynne Craigie returned to the Chambers*

*Cr Lang Coppin vacated the Chair*

*Cr Lynne Craigie assumed the Chair*

## **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 QUEENS BIRTHDAY HOLIDAY ARRANGEMENTS FOR 2013-REQUEST FOR ALTERNATIVE DATES BE ACCEPTED AS AGENDA ITEM 11.1.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/256**

**MOVED: Cr Craig Hoyer**

**SECONDED: Cr Gerry Parsons**

**THAT the Queen's Birthday Holiday arrangements for 2013 – request for alternative dates be accepted as agenda item 11.1.1**

**CARRIED BY ABSOLUTE MAJORITY**

**RECORD OF VOTE: 8 - 0**

### **11.1.1 QUEENS BIRTHDAY HOLIDAY ARRANGEMENTS FOR 2013 - REQUEST FOR ALTERNATIVE DATES**

**File Ref: ADM 14-2**

**Responsible Officer: Mr Allen Cooper  
Chief Executive Officer**

**Author: Mrs Sheryl Pobrica  
Executive Services Administration Officer**

**Proposed Meeting Date: 07 December 2012**

**Location/Address: N/A**

**Name of Applicant: N/A**

**Author Disclosure of Interest: Nil**

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## **REPORT PURPOSE**

To confirm the alternative dates for the Queen's Birthday holiday in 2013 as a day of local significance.

## **BACKGROUND**

The Governor has declared that the Celebration day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) shall be observed under the *Public and Bank Holidays Act 1972* in the State of Western Australia on Monday 30<sup>th</sup> September 2013.

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Local Governments may request that the public holiday be celebrated on an alternative date of significance within their districts, in lieu of the date proclaimed as the public holiday for the rest of the state.

Local Governments interested in having an alternative date declared for the Queen's Birthday public holiday 2013 should provide a written request which;

- a) outlines the reason for alternative date;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

The written requests should be forwarded by 17<sup>th</sup> December 2012 to:

Executive Director  
Labour Relations  
Department of Commerce  
Locked Bag 14 Cloisters Square  
PERTH WA 6000  
Attention: Christina Eftos

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

Traditionally the Queen's Birthday holiday has been set on the Monday of the annual Marble Bar Race weekend for Marble Bar and Nullagine, and the Monday of the Fortescue Festival weekend that includes a race day in Newman.

The dates for the events in 2013 have been set as;

- Monday 8<sup>th</sup> July 2013 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.
- Monday 19<sup>th</sup> August 2013 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.

These dates need to be forwarded to the Department of Commerce, Labour Relations Division for gazettal.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Public and Bank Holidays Act 1972 (WA).

*8. Power of Governor to alter day appointed for a public holiday or bank holiday*

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day*

*shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.*

- (2) *A proclamation made under subsection (1) shall be published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*
- (3) *Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the Government Gazette at least 3 weeks before the first day to be affected thereby.*

## **POLICY IMPLICATIONS**

### **POLICY**

#### **6.7 Council Supported/Recognised Events of Community Interest**

<b>Minute No:</b>	<b>11.1.4</b>	<b>Resolution No:</b>	<b>200708/116</b>
	<b>9.5.2</b>		<b>201011/230</b>
<b>Date:</b>	<b>30 November 2007</b>		
	<b>15 April 2011</b>		

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### **Objective**

To identify significant community events which Council will support financially through its annual budget allocation.

### **Policy**

Council has limited financial resources with which to support events within the Shire. Therefore, it is imperative to recognise community events which will be directly supported without further application to Council.

Council will only allocate resources to the following events; all other events will only be considered upon application.

#### **Newman**

Lions Fortescue Festival 3<sup>rd</sup> Sunday in August

Australia Day 26<sup>th</sup> January

ANZAC Day 25<sup>th</sup> April

Free use of Newman Recreation Centre for:

Free use of Capricorn Oval – Fortescue Festival

Newman Drain Games – last Sunday in June

Family Fun Day AKA First Day of the season Newman Aquatic Centre (1<sup>st</sup> weekend in September)

Newman Film Festival (third Saturday in September)

Bloody Slow Cup

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Kids Christmas Party (last week of December at Newman Aquatic Centre)

Christmas Lights Competition (last week of December)

Marble Bar

Marble Bar Race Day 1<sup>st</sup> Saturday in July

Marble Bar Fun Day Sunday following Marble Bar Race Day

Australia Day 26<sup>th</sup> January

ANZAC Day 25<sup>th</sup> April

Marble Bar Survivor Games Term 2

Christmas Lights Competition (last week of December)

Free use of Marble Bar Sports Complex for:

Marble Bar Race Day

Marble Bar Fun Day

Nullagine

Australia Day 26<sup>th</sup> January

ANZAC Day 25<sup>th</sup> April

Nullagine Survivor Games Term 2

Christmas Lights Competition (last week of December)

Council will consider its level of annual financial and /or resources contribution at the Council Meeting when the budget is considered annually.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 - Community Enrichment**

*To enrich our cultural, social and recreational lifestyles*

2.5 *Cultural*

2.2 *Continue to provide a range of recreational programs and facilities*

2.3 *Ensure that there continues to be a number of events in the three towns.*

**FINANCIAL IMPLICATIONS**

No financial implications apart from advertising costs.

**VOTING REQUIREMENTS**

Simple



**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/257**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Kevin Danks**

**THAT the Department of Commerce, Labour Relations Division be advised of the following alternative dates for the Queen's Birthday holiday 2013.**

- 1. Monday 8th July 2013 for the area comprising of the town of Marble Bar and the area of the Shire comprising 150km radius from the town, including the town of Nullagine, for the annual Marble Bar Cup Race Day.**
- 2. Monday 19th August 2013 for the area comprising the town of Newman and the portion of the Shire from the southern boundary to a point 150km radius northwards, east and west for the annual Fortescue Festival.**

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

***To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer.***

**11.2 USE OF NEWMAN RECREATION CENTRE BY A COMMERCIAL ENTITY  
BE ACCEPTED AS AGENDA ITEM 11.2.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/258**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Craig Hoyer**

**THAT the Use of Newman Recreation Centre by a Commercial Entity be  
accepted as agenda item 11.2.1**

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

**11.2.1 USE OF NEWMAN RECREATION CENTRE BY A COMMERCIAL ENTITY**

**File Ref: REC-22-1**  
**Responsible Officer: Ms Sian Appleton  
Deputy Chief Executive Officer**  
**Author: Ms Sharon Walsh  
Manager Community Wellbeing**  
**Proposed Meeting Date: 07 December 2012**  
**Location/Address: N/A**  
**Name of Applicant: N/A**  
**Author Disclosure of Interest: Nil**

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**REPORT PURPOSE**

To seek Council approval that the Newman Recreation Centre be used by a commercial entity as an accredited and licensed venue for an outside school hours and vacation care service.

**BACKGROUND**

Feedback received from the Newman community through the annual community survey has consistently requested a need for the Shire to assist relevant providers in the delivery of services associated with outside school hours and vacation care. Whilst this is not a traditional function and responsibility of a local government authority, the Shire's suite of strategic planning documentation highlights it is deemed an important community issue that the Shire will continue to lobby and advocate for on behalf of its residents.

**COMMENTS/OPTIONS/DISCUSSIONS**

During the early months of 2010, Council staff were engaged in discussions with two Newman based commercial entities, for the use of the Newman Youth Centre as a venue offering services which cater for the varying needs of children and youth, particularly after school and school holiday care. The charges suggested for the use of this venue for that purpose were based on utility consumption and as such, a sliding scale of charges were presented and subsequently approved by Council at the August 2010 meeting. It is suggested that this concept of cost recovery is used

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again at the Newman Recreation Centre to allow future applicants the use this facility as a venue for after school and school holiday care.

A preliminary discussion with the service provider indicates the following:

School week usage (approx. 40 weeks):

6hrs per day (6.00am – 8.00am and then from 2.00pm – 6.00pm) = 30 hours per week at a fee of \$300 per week

Non-school week usage (approx. 12 weeks):

12hrs per day (6.00am – 6.00pm) = 60 hours per week at a fee of \$600 per week

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

*5.2 Newman Recreation Centre – Commercial and Group use*

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

The intent of this policy is to promote broad usage of the facility, whilst ensuring a safe environment that is financially viable for Council.

### **Policy**

1. Commercial users are defined as those who utilise the facility primarily for financial gain.  
Commercial operators may negotiate conditions of usage subject to Council approval.
2. Usage by groups or organisations for non-commercial purposes (e.g. rehabilitation, social or educational purposes etc) shall be at the discretion of the Manager Community Wellbeing, subject to consideration of item 3.
3. Usage by commercial operators, groups and organisations is subject to consideration of the following:
  - appropriate fees being applicable, per visit, per client, or on a weekly/monthly rate. Hirers must provide information on client fees, programs or intended usage upon request;
  - access times;
  - type of use, suitability of clients and number of participants;
  - disruption to normal operations affecting access to members;
  - possession of current public liability insurance by user groups;
  - appropriate qualifications and/or experience of the hirer;
  - advertising arrangements within the Recreation Centre facility; and
  - any other factors that require consideration to the financial viability, safety and public usage of the facility.

## PLAN FOR FUTURE OF THE DISTRICT

### Goal 2 – Community Enrichment

*To enrich our cultural, social and recreational lifestyles*

#### 2.1 Young People/Youth (8 to 18 or 25)

2.1.1 *Develop a policy/guide for youth to assist in identifying programs, activities and facilities that could be of benefit.*

*July 2010*

*How funded – Municipal Funds*

*Responsible Directorate – Community Engagement*

## FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

## VOTING REQUIREMENTS

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/259**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Craig Hoyer**

**THAT Council**

1. **Provides delegated authority to the Chief Executive Officer to negotiate conditions of use between the Newman Recreation Centre and Sherpa Kids Australia.**
2. **Impose the following fees:**
  - a) **Facility hire fee of \$300 per school week**
  - b) **Facility hire fee of \$600 per non-school week**
  - c) **Kitchen hire fee of \$50 per day**
3. **Impose these fees effective from the 1<sup>st</sup> February 2013.**
4. **Provide notice of the adopted fees, as advertised, pursuant to Section 6.19 Local Government Act 1985.**

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

*To be actioned by Ms Sharon Walsh, Manager Community Wellbeing.*

## **12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

Nil

## **13 GENERAL BUSINESS**

### **13.1 MARBLE BAR CATHOLIC CHURCH**

Cr Stephen Kiernan asked if a letter could be written to the head of the WA Catholic Church to ask if repairs could be done to the Catholic Church in Marble Bar as it is dangerous and falling apart. Cr Stephen Kiernan believes it could be Heritage listed.

Deputy Chief Executive Officer to follow up.

### **13.2 ADSL IN MARBLE BAR**

Cr Stephen Kiernan asked if a letter could be written to Telstra for ADSL to be available in Marble Bar as Nullagine has just received ADSL and why not Marble Bar.

Mr Allen Cooper, CEO replied Newman also does not have ADSL and a letter will be written to Telstra.

### **13.3 MARBLE BAR CHRISTMAS TREE**

Cr Stephen Kiernan said the Marble Bar Christmas Tree is up and looks good; he had a query on the amount of people it took to put the tree up.

Deputy Chief Executive Officer will follow up.

### **13.4 WOOLWORTHS ADVERTISING SIGN**

Cr Shane Carter said the large Woolworths advertising sign has been damaged and appears to be in dangerous condition could staff follow up the matter.

Chief Executive Officer to follow up.

### **13.5 LIVE CATTLE TRADE TO INDONESIA**

Cr Lang Coppin gave an update on the live cattle trade to Indonesia.

### **13.6 WORK VISA**

Cr Doug Stead asked what criteria is required hiring people with a 456 visa for working in Australia.

Chief Executive Officer will follow up.

### **13.7 WALGA WEBSITE QUESTIONS**

Cr Lynne Craigie said WALGA has asked a series of questions to the state political parties regarding what they will do for West Australians in the fourth coming state election.

**13.8 CONSTITUTION RECOGNITION**

Cr Lynne Craigie said the Constitution Recognition will not be going ahead at the next federal election.

**13.9 MINISTER GRYLLS VISIT TO NEWMAN**

Cr Lynne Craigie stated Minister Brendon Grylls will be visiting Newman on the 18<sup>th</sup> December 2012

**14 DATE OF NEXT MEETING**

8th February 2013, Newman

**15 CLOSURE**

2:33 PM