



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 23 AUGUST, 2013.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	4
2.1	ATTENDANCES	4
2.2	APOLOGIES	4
2.3	LEAVE OF ABSENCE	4
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	5
4	PUBLIC QUESTION TIME	5
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	5
5.1	NEWMAN RECREATION MASTER PLAN.....	5
5.2	NULLAGINE/IRRUNGADJI OVAL STEERING GROUP	5
6	APPLICATIONS FOR LEAVE OF ABSENCE	5
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	5
7.1	CONFIRMATION OF MINUTES.....	5
8	MEMBERS REPORT	5
8.1	ITEMS FOR RECOMMENDATION	5
8.2	ITEMS FOR INFORMATION.....	5
9	OFFICER'S REPORTS	6
9.1	CHIEF EXECUTIVE OFFICER.....	6
9.1.1	CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS JULY 2013	6
9.2	DEPUTY CHIEF EXECUTIVE OFFICER	9
9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER - STATUS OF COUNCIL DECISIONS JULY 2013	9
9.2.2	PROPOSED BUDGET 2013/14	11

9.2.3	AFFIXING COMMON SEAL TO @ LEISURE PLANNERS PTY LTD CONTRACT AGREEMENT - NEWMAN RECREATION MASTERPLAN RFT 09-2012/13.....	16
9.2.4	AFFIXING COMMON SEAL TO DEED OF VARIATION OF LEASE - GALLOP HALL, NULLAGINE - EAST PILBARA INDEPENDENCE SUPPORT INC.....	19
9.2.5	AFFIXING COMMON SEAL TO REGIONAL EVENTS SCHEME SPONSORSHIP AGREEMENT - 2013 OUTBACK FUSION FESTIVAL	22
9.2.6	FREEDOM OF INFORMATION STATEMENT UPDATE	25
9.2.7	BUSINESS PLAN - COWRA TOURIST AND RECREATION PRECINCT	27
9.2.8	BUSINESS PLAN - MARTUMILI INFRASTRUCTURE PROJECT.....	37
9.2.9	COMMUNITY ASSISTANCE GRANTS ROUND 1 (2013- 2014)	43
9.2.10	MARBLE BAR RSL TOWN PARK THERMOMETER.....	51
9.2.11	RATES MINING ASSESSMENTS.....	57
9.2.12	CREDITORS FOR PAYMENT.....	59
9.3	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES ...	62
9.3.1	DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES – STATUS OF COUNCIL DECISIONS - JULY 2013.....	62
9.3.2	APPLICATION TO KEEP MORE THAN TWO DOGS	65
9.3.3	PROPOSED AMENDMENTS TO LOCAL PLANNING POLICY NO. 1 - EAST NEWMAN MASTERPLAN	67
9.3.4	PROPOSED ROAD CLOSURE - DOHERTY STREET, NULLAGINE	72
9.3.5	NULLAGINE/IRRUNGADJI OVAL GRASSING PROJECT - MEMORANDUM OF UNDERSTANDING COVERING MAINTENANCE ARRANGEMENTS	76
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	79
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL	79
12	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS.....	79

13	GENERAL BUSINESS.....	79
14	DATE OF NEXT MEETING.....	79
15	CLOSURE.....	79

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lang Coppin
Cr Shane Carter
Cr Craig Hoyer
Cr Gerry Parsons
Cr Kevin Danks
Cr Dean Hatwell
Cr Stephen Kiernan

Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

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

Mrs Sheryl Pobrica

Executive Services Administration Officer

Public Gallery

Mr Leon Van Erp
Ms Gae Synnott

Newcrest Mining
Synnott Mulholland Management Services
Pty Ltd.

Mr Steve Marks
Ms Sally Jeavons

@Leisure Planners
@Leisure Planners

2.2 APOLOGIES

Councillor Apologies

Cr Lynne Craigie
Cr Doug Stead

Shire President

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Cr Anita Grace

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 NEWMAN RECREATION MASTER PLAN

Ms Sally Jeavons, Director and Mr Steve Marks, Sport and Leisure Planner from @Leisure Planners will be provide a brief to Councillors regarding the Newman Recreation Master Plan.

5.2 NULLAGINE/IRRUNGADJI OVAL STEERING GROUP

Mr Leon Van Erp, Newcrest Mining and Ms Gae Synnott from Synnott Mulholland Management Services Pty Ltd, will be providing an update to Council regarding the Nullagine / Irrungadji Oval.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes July 26 2013 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 26 July 2013, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS JULY 2013

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Chief Executive Officer for July 2013 be received.

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

23 AUGUST, 2013

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

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER - STATUS OF COUNCIL
DECISIONS JULY 2013**

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for July 2013 be received as below.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 May 2013	9.2.7	DRAFT BUSINESS CASE - COWRA TOURIST AND RECREATION PRECINCT	DCEO	Submission being assessed	August Agenda
24 May 2013	9.2.9	DRAFT BUSINESS CASE - MARTUMILI INFRASTRUCTURE PROJECT	DCEO	Submission being assessed	August Agenda
26 July 2013	9.2.3	FREEDOM OF INFORMATION STATEMENT 2013	CAS		
26 July 2013	13.6	NEWMAN GYMNASTIC CLUB Cr Gerry Parsons asked why it was allowed for someone to come to Newman and remove the gymnastic gear from the Recreation Centre and take it out of Newman. Ms Sian Appleton, Deputy Chief Executive Officer to follow up.	DCEO		

9.2.2 PROPOSED BUDGET 2013/14

File Ref: FIN-23-1
Attachment: Confidential
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 adopt Council's budget for the 2013/2014 financial year.

BACKGROUND

Council is required to adopt its budget for 2013/2014 by the 31st August 2013. The draft budget (under separate cover) has been compiled with regard to Council's strategic documents, resolutions of Council over the last 12 months and input from Councillors and Council Officers.

COMMENTS/OPTIONS/DISCUSSIONS

Council must adopt the budget by the 31st August 2013, or seek an extension from the Minister for Local Government.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

6.2. *Local government to prepare annual budget*

(1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

Local Government (Financial Management) Regulations 1996

Part 3 — Annual budget — s. 6.2

22. Form and content of annual budget (Act s. 6.2(1))

(1) The annual budget of a local government is to be in a form that include the following

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.2 Continued strong financial management

Responsible officer: DCEO

Timing: 1 year

FINANCIAL IMPLICATIONS

To allow for the Council's financial operations for the 2013/2014 financial year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

(1) The 2013/2014 draft budget be adopted including the Schedule of Fees and Charges and incorporating the following differential rating and valuations:

(a) General Rate

(i) A rate in the dollar for 2013/2014 will apply as follows:

	Rate in \$	Minimum
Gross Rental Value – Industrial	1.6516	\$650
Gross Rental Value – Town Centre	3.9931	\$650
Gross Rental Value – Nullagine Town Centre	7.1047	\$400
Gross Rental Value – Transient Workforce Accommodation	3.1729	\$650
Gross Rental Value – Other	1.7169	\$650
Unimproved Value – Pastoral/Special Leases	4.3810	\$200
Unimproved Value – AML Leases	17.183	\$200
Unimproved Value – Mining Leases	17.183	\$200
Unimproved Value – General Leases	17.183	\$200
Unimproved Value – Petroleum Leases	17.183	\$200
Unimproved Value – Exploration Leases	15.121	\$200
Unimproved Value – Prospecting Leases	15.121	\$200

(ii) The GRV Industrial rate will apply to an estimated 111 properties having a total rateable valuation of \$11,367,380 and generating \$195,500 of income;

- (iii) The GRV Town Centre rate will apply to an estimated 37 properties having a total rateable valuation of \$5,620,180 and generating \$226,300 of income;
- (iv) The GRV Nullagine Town Site rate will apply to an estimated 44 properties having a total rateable valuation of \$439,796 and generating \$34,800 of income;
- (v) The GRV Transient Workforce Accommodation will apply to an estimated 12 properties having a total rateable valuation of \$64,199,716 and generating \$2,037,000 of income;
- (vi) The GRV Other rate will apply to an estimated 2,141 properties having a total rateable valuation of \$133,836,516 and generating \$2,481,400 income;
- (vii) The UV Prospecting rate will apply to an estimated 231 properties having a total rateable valuation of \$316,444 and generating \$58,400 of income;
- (viii) The UV Exploration rate will apply to an estimated 815 properties having a total rateable valuation of \$7,847,882 and generating \$1,205,800 of income;
- (ix) The UV Pastoral/Special rate will apply to an estimated 66 properties having a total rateable valuation of \$10,544,712 and generating \$465,000 of income;
- (x) The UV Other rate will apply to an estimated 828 properties having a total rateable valuation of \$25,994,777 and generating \$4,500,600 of income;
- (xi) In addition to the above rates, it is estimated a further \$230,000, being interim rates, will be raised during the year;
- (xii) Minimum rates detailed at (c) below are included in the figures at (ii) through (xii) above;

(b) Discounts, Concessions, Incentives and Write-off Information

- (i) No discount for the early payment of rates will be offered in 2013/2014;
- (ii) Incentives are offered for the early payment of rates in accordance with Council's Rate Payment Incentive Prize Policy. They are detailed below:

First Prize:

Shade Sail - The Shade Sail Man – valued up to \$3,000

Second Prize

Shire of East Pilbara rates refund (up to a value of \$1,000.00 not including service charges)

Third Prize:

Shire of East Pilbara – 1 x aerobic concession card and 1 x fitness concession card – value \$100

Fourth Prize

Household Goods – Australia Post – Valued at \$60

- (iii) A total of \$15,000 rates are estimated to be written off during the year. The majority of this estimate relates to mining tenements that have lapsed and become uncollectable.

(c) Minimum Rates

The object of minimum rates is to ensure that all property owners contribute at least a standard minimum amount towards the provision of local government services which would otherwise be payable in accordance with (a) above;

- (i) A minimum rate of \$400 (GRV) in Nullagine townsite with all remaining GRV assessments having a minimum rate of \$650 (GRV). A minimum rate of \$200 (UV) will apply for 2013/2014;
- (ii) The GRV general minimum will apply to an estimated 409 properties having a total rateable valuation of \$4,248,696 and generate income totalling \$265,900;
- (iii) The UV general minimum will apply to an estimated 642 properties having a total rateable valuation of \$399,744 and generate income totalling \$128,400;
- (iv) The GRV Nullagine Town Site minimum will apply to an estimated 15 properties having a total rateable valuation of \$35,028 and generate income totalling \$6,000;
- (v) The pastoral / special lease general minimum will apply to an estimated 18 properties having a total rateable valuation of \$12,618 and generate income totalling \$3,600;

(d) Rubbish Charges

The charge for rubbish collection service shall be \$250 per service and applied to 2,070 properties will generate income totalling \$517,500.

(e) Sewerage Rates

Where properties in the Newman townsite have the ability to connect to the town's sewerage scheme a rate will be raised, under the Health Act, against that property for the purpose of maintaining and running the Newman Sewerage Treatment Plant.

The Rate to be imposed for the 2013/2014 year will be 0.2702 cents in the dollar on the gross rental value of the property. The total expected revenue from this rate is \$436,200.

(f) Instalments

Payment of rates and rubbish charges may be made by one of three methods as follows:

- (i) Single payment** **Due Date: 7 October 2013**

- (ii) Four instalments** **1st Due Date: 7 October 2013**
 2nd Due Date: 6 December 2013
 3rd Due Date: 4 February 2014
 4th Due Date: 7 April 2014

A \$5.00 administration fee is payable on the second and any subsequent payments made under an instalment option to cover the cost of producing reminder notices. The total expected revenue from the imposition of this fee for 2013/2014 is \$6,000.

(iii) Other arrangements

A \$50.00 administration fee is payable for any Rates Payment Agreements outside the normal instalment option.

(g) Interest Penalty

Interest at a rate of 8% per annum will apply for the late payment of rates if the single payment option is selected or an agreement is entered into outside of the normal instalment option. An interest rate of 4% will apply if an instalment option is selected. It is estimated that the total amount of interest to be collected in 2013/2014 will be \$25,000.

The interest penalty will accrue daily on a simple interest basis as follows:

- **No instalment option:** Interest shall accrue on rates outstanding for thirty five days after the issue date (i.e. 7 October 2013). Eligible pensioners are exempt.

- **Instalment option taken:** Interest shall accrue daily on any instalment payment that remains unpaid after the due date of that instalment and will continue to accrue until such time as that instalment is paid. Eligible pensioners are exempt.

- **Arrears:** Interest shall begin to accrue from 1 July 2013, on all rates including previous interest charges that remain in arrears. Eligible pensioners are exempt.

**9.2.3 AFFIXING COMMON SEAL TO @ LEISURE PLANNERS PTY LTD
CONTRACT AGREEMENT - NEWMAN RECREATION MASTERPLAN RFT
09-2012/13**

File Ref: LEG-15-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Newman
Name of Applicant: @ LEISURE PLANNERS PTY LTD & SHIRE OF
EAST PILBARA
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer has applied the common seal of the Shire of East Pilbara to a @Leisure Planners Pty Ltd contract RFT09-2012/13 for a total amount of \$109,354.

BACKGROUND

At the March 2013 Council meeting Resolution 201213/387 the Council accepted the tender submission by @ Leisure Planners Pty Ltd for the development of the Newman Recreation Masterplan. A contract has been prepared and signed by the consultant.

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

Legislative Authority for Delegation: s5.42 *Local Government Act 1995*

Power/Duty/Authorisation Delegated:

Authority to prepare, approve and execute the necessary documents taking into account any specific or policy requirements of the Council where:

- The Council has authorised entering into a formal contract; or
 - The Chief Executive Officer considers a formal contract is required as a part of the day to day operation of the Council; or
-

- A formal contract is authorised under a delegated authority of the Council.

Authority for exercise of Power/Duty/Authorisation

Nil.

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENT

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78.

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara to the @ Leisure Planners Pty Ltd contract for an amount of \$109,354 (inclusive of GST).

**9.2.4 AFFIXING COMMON SEAL TO DEED OF VARIATION OF LEASE -
GALLOP HALL, NULLAGINE - EAST PILBARA INDEPENDENCE
SUPPORT INC**

File Ref: A330548
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To advise Council that the Common Seal has been affixed to the Deed of Variation to the Lease for Gallop Hall, Nullagine, between the Shire and East Pilbara Independence Support Inc.

BACKGROUND

At the Council meeting held on the 24th May, 2013 Council recommended that the Lease between the Shire and East Pilbara Independence Support Inc, for Gallop Hall, Nullagine be extended for a further period of twelve months, to expire on the 31st July, 2014. (Resolution 201213/382).

Gallop Hall is currently being leased to East Pilbara Independence Support Inc. to use the facility to provide home and community care services, including meal preparation and serving, laundry, day care, personal care and office services for the residents of Nullagine.

The current Lease commenced on the 1st August, 2008 and expired on the 31st July 2013, there was no option for a further term included in the Lease.

East Pilbara Independence Support Inc. pay rent of \$146.41 per month inclusive of GST. East Pilbara Independence Support Inc are also responsible as part of the Lease terms, to pay 75% of water consumption charges, 50% of electricity consumption charges, and full cost of telephone, gas, internet connections and usage.

COMMENTS/OPTIONS/DISCUSSIONS

In-principle approval has been given by the Minister for Lands for the Deed of Variation of Lease to amend the current Lease Schedule as per:

Schedule Item 3 – Further Term, delete the words “not applicable” and insert the words “one (1) year commencing 1st August, 2013 and expiring on 31st July, 2014”.

There is also an amendment to Clause 8.1 - Indemnity, being the insertion of the words "and the Minister for Lands" after the word "Lessor" on both the first line and the fifth line of this Clause.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

Responsible officer: MCW

Timing: 1-3 years

2.1.4 Support individual and community health

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Council receive \$146.41 per month for the hire of Gallop Hall. These funds are credited to account 112007 – Gallop Hall Hire Charges.

Council to pay 50% power consumption, as other Council facilities are connected to the same meter, and 25% of water consumption.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. **Endorse the affixing of the Common Seal to the Deed of Variation to Lease between the Shire of East Pilbara and East Pilbara Independence Support Inc. for Gallop Hall, Lot 37 Gallop Road, Nullagine; thereby extending the Lease for a further term of one (1) year, to expire on the 31st July, 2014, with the following conditions:**
 - a) **The kitchen and hall are free of charge for Council use.**
 - b) **The kitchen and hall are made available for community functions. All booking applications for community usage must be directed to East Pilbara Independence Support Inc. for hire of hall and/or kitchen facilities – minimum of three days' notice required.**
 - c) **Monthly rental of \$146.41 gst inclusive.**
 - d) **Payment of power consumption to be East Pilbara Independence Support Inc 50% and Shire of East Pilbara 50%.**
 - e) **Payment of water consumption to be East Pilbara Independence Support Inc 75% and Shire of East Pilbara 25%.**
 - f) **East Pilbara Independence Support is responsible for telephone and/or gas usage.**

**9.2.5 AFFIXING COMMON SEAL TO REGIONAL EVENTS SCHEME
SPONSORSHIP AGREEMENT - 2013 OUTBACK FUSION FESTIVAL**

File Ref: LEG-15-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Newman
Name of Applicant: Western Australian Tourism Commission &
Shire of East Pilbara
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to a Western Australian Tourism Commission Sponsorship Agreement for the 2013 Outback Fusion Festival for an amount of \$15,000 (inclusive of GST).

BACKGROUND

The 2013 Outback Fusion Festival is a multi-cultural celebration, recognising the 37 varying cultures represented in Newman. The event provided an opportunity for Newman residents to showcase their artwork, dancing, singing, cooking, craft and storytelling abilities. The event will occur in various locations around Newman from 19-22 September 2013.

COMMENTS/OPTIONS/DISCUSSIONS

BHP Billiton Iron Ore are the main sponsor of this event however in an attempt to increase its longevity and to continually improve it, the Shire of East Pilbara made application to the Regional Events Scheme for financial assistance to employ the services of an internet website specialist to design and create a website for the event. The Shire was successful and has received a \$15,000 grant towards this expense.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

Legislative Authority for Delegation: s5.42 *Local Government Act 1995*

Power/Duty/Authorisation Delegated:

Authority to prepare, approve and execute the necessary documents taking into account any specific or policy requirements of the Council where:

- The Council has authorised entering into a formal contract; or
-

- The Chief Executive Officer considers a formal contract is required as a part of the day to day operation of the Council; or
- A formal contract is authorised under a delegated authority of the Council.

Authority for exercise of Power/Duty/Authorisation

Nil.

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENT

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78.

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents.

Policy

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

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

Goal 1 – Civic Leadership – Planned Actions

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

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara to the Western Australia Tourism Commission sponsorship agreement for the 2013 Outback Fusion Festival for an amount of \$15,000 (inclusive of GST).

9.2.6 FREEDOM OF INFORMATION STATEMENT UPDATE

File Ref:	LEG-9-3-1
Attachments:	Freedom of Information 2013.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Tina Wilson Coordinator Administration Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council's approval for the acceptance of changes to the Freedom of Information Statement 2013 as required by the Information Commissioner's Office.

BACKGROUND

The previous Freedom of Information Statement that was accepted on the 26th of July, 2013 Council meeting, resolution 201314/47, was submitted to the Information Commissioners Office as required by Section 97(2) of the *Freedom of Information Act 1992* (the FOI Act). The Commissioners office has requested that the following amendments are required to be included in our FOI procedures and processes;

1. The FOI Act requires that applications need only be in writing accompanied by an application fee (where the application is for non-personal information). It is to the applicant's discretion whether they use a form provided by our office or not. – Our forms stated that a completed form **MUST** be submitted.
2. In order to accurately reflect the operations of FOI, it is important to clearly state in the statement that there are no fees or charges associated with FOI applications for personal information about the applicant. – Our statement did not clearly state this.
3. An application fee of \$30.00 should accompany requests for non-personal information but there is no "search fee"- our fees included the words "search fee", these words have been deleted.
4. Correction of contact details for the Office of the Information Commissioner.

COMMENTS/OPTIONS/DISCUSSIONS

The Freedom of Information Statement that was reviewed on the 26th of July, 2013, resolution 201314/47, was required to be accepted by Council before submitting to the Information Commissioners office. Changes that have been made are additional to the 2013 update.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 7 - Access to information) 5.92. Access to information by council, committee members (pg. 185)

Part 5 - Administration (Division 7 - Access to information) 5.93. Improper use of information (pg. 186)

Part 5 - Administration (Division 7 - Access to information) 5.94. Public can inspect certain local government information (pg. 186)

Part 5 - Administration (Division 7 - Access to information) 5.95. Limits on right to inspect local government information (pg. 188)

Part 5 - Administration (Division 7 - Access to information) 5.96. Copies of information to be available (pg. 190)

Part 5 - Administration (Division 7 - Access to information) 5.97. Freedom of Information Act 1992 not affected (pg. 190)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

Responsible officer: DCEO

Timing: As appropriate

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the Freedom of Information Statement 2013 with the amendments in accordance with Part 5 of the *Freedom of Information Act 1992*, as required by the Information Commissioner's Office.

9.2.7 BUSINESS PLAN - COWRA TOURIST AND RECREATION PRECINCT

File Ref: A435501
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the final business plan for the Cowra Tourist and Recreation Precinct.

BACKGROUND

Council's strategic plans, including the Community Strategic Plan and the Economic Development and Tourism Strategy, highlight the need for additional tourist accommodation in Newman and the development of an events area and overflow sporting area. The Lions Park reserve and adjacent reserve has been determined as a viable site for these developments.

As per the Local Government Act (1995) any project undertaken by a local government over a prescribed amount (currently \$2M for regional Councils) must have a compelling business plan.

The developed business case provides an assessment of the resources, capital investment, management and future growth associated with the development of the Lions Park for an events and short term caravan park. The outcome includes an assessment of all of the responsibilities of Council in establishing agreements, tenancy arrangements and other administrative functions associated with events or Caravan Park operations that provide good governance, management and maintenance of the facilities.

The Project Deliverables for this business case were:

- a) To investigate and review all compliance issues that relate to West Australian State Government laws and regulations applying to event areas and short term caravan parks especially LGA sections 3.58 and 3.59.
 - b) To review literature relating to the development of caravan parks as part of West Australian and regional strategies for tourism and short term accommodation including identifying trends in caravan park developments.
 - c) Undertake discussions with relevant stakeholders who may have input into the development of both initiatives and record outcomes of these discussions.
-

- d) To ensure the existing Lions Park activities are included (Lions Den and Animal Sanctuary)
- e) To provide the surrounding community facilities for their use
- f) To review the concept plan having regard for the above and seek approval from Council for any amendments.
- g) To develop concept plans for both initiatives or alternative uses such as including use of the facilities for an overflow sports area based on a report identifying demand, alternative uses and financial sustainability.
- h) Develop concept plans which can be used for the basis of detailed plans as finance becomes available for the development of both initiatives.
- i) Identify and develop a management plan for the Lions Park Reserve that includes a draft management arrangement, operational aspects for both initiatives and marketing plan for both initiatives.
- j) Undertake an assessment of any associated infrastructure such as road works or other aspects.
- k) Development of an implementation plan based on staged development.
- l) Develop a draft budget for each initiative as a separate arrangement.
- m) Develop a five year business strategy for both initiatives.
- n) An assessment of critical assumptions and risk assessments associated with the development of the events and short term caravan park.

COMMENTS/OPTIONS/DISCUSSIONS

Following Council endorsement of the draft Business Case – Cowra Tourist and Recreation Precinct at the 24th May 2013 Council Meeting, the Shire of East Pilbara advertised the Business Case for public comment for six weeks as per the Local Government Act Section 3.59. The submission date closed on the 9th July 2013. One submission was received and is attached.

The submission from Urbis states the following:

“...whilst LandCorp is supportive of a Recreation and Tourist Precinct and the introduction of tourist accommodation in this general location, it considers there is considerable merit in locating the Caravan Park immediately east of the church (lot 301).

It is our opinion that relocating the Caravan park east of the Church will deliver a superior planning outcome as it will provide for a consolidated area for active open space rather than it being effectively fragmented by the intrusion of the Caravan Park into the corner of the open space area.”

The consultant, Neil Noelker from Noelker Consulting, who prepared the business plan made the following comments:

“The points made are subjective (i.e. item 1) with no evidence or measurable data to back them up.

Also the submission does not allow for the animal park, which we left a lot of extra space for this.

Obviously there are benefits to Council with the layout we prepared.”

Previously both sites have been considered for the siting of the short term accommodation.

Since the initial business plan was undertaken BHP Billiton and LandCorp have had discussions regarding a new green space being established in the mine buffer zone. This may have an impact on the reserves in the Cowra Street Precinct.

It is proposed that the business case be endorsed by Council as was presented in the draft with the addition of an option two for the siting of the facilities. However prior to any further monies being expended on this project investigation should be undertaken as to the Department of Lands long term plan for this area.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

3.59. Commercial enterprises by local governments

- (1) In this section —
- acquire** has a meaning that accords with the meaning of **dispose**;
- dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
- land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —
- (a) acquire or dispose of an interest in land; or
 - (b) develop land;
- major land transaction** means a land transaction other than an exempt land transaction if the total value of —
- (a) the consideration under the transaction; and
 - (b) anything done by the local government for achieving the purpose of the transaction,
- is more, or is worth more, than the amount prescribed for the purposes of this definition;
- major trading undertaking** means a trading undertaking that —
- (a) in the last completed financial year, involved; or
 - (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

- (2) Before it —
- (a) commences a major trading undertaking; or
 - (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction,
- a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government; and
 - (b) its expected effect on other persons providing facilities and services in the district; and
 - (c) its expected financial effect on the local government; and
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

** Absolute majority required.*

- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
 - (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

3.3.3 Provide infrastructure to support economic development

Responsible officer: DCEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Receive and consider the submission made;**
- 2. Proceed with the Cowra Tourist and Recreation Precinct Development subject to funding.**



8 July 2013

Chief Executive Officer
Shire of East Pilbara
Corner Kalgan and Newman Drives
NEWMAN WA 6753

Attention: Ms Sian Appleton – Deputy Chief Executive Officer

Dear Ms Appleton,

Submission - Draft Business Case – Cowra Tourist and Recreation Precinct

Urbis, on behalf of LandCorp, wish to make a submission to the Shire of East Pilbara in relation to the abovementioned Draft Business Case. Based on a review of the Draft Business Case, we understand the Shire proposes to redevelop the Cowra Drive Reserves for the purpose of a Recreation and Tourist Precinct, including a Caravan Park Facility, located on Cowra Drive.

As the Shire is aware, LandCorp is currently progressing a Structure Plan over the Cowra Precinct for primarily residential purposes, however the plan also comprises the land subject to the proposed Recreation and Tourist Precinct. Whilst the planning and design of the proposed Recreation Precinct is being led by the Shire, the site has been included in the Draft Structure Plan for completeness. Lodgement of the Draft Structure Plan with the Shire is anticipated in the coming weeks.

In summary, whilst LandCorp is supportive of a Recreation and Tourist Precinct and the introduction of tourist accommodation in this general location, it considers there is considerable merit in locating the Caravan Park immediately east of the church (Lot 301), as opposed to its current proposed location north-east of the precinct, as reflected in the Draft Business Case. The rationale for this alternative location is summarised below.

CONTEXT

We understand a Caravan Park, approximately 1ha in size, is proposed on the existing Lions Park reserve on Cowra Drive, to provide additional tourist accommodation in Newman as well as deliver an events area and overflow sporting area.

We understand the subject area comprises three (3) reserves, with each reserve vested to the Shire. Current uses include the Newman Lions Club including an animal park, as well as a small playground and rest area and a depot. There is also a Training Centre and Church located immediately south-east of the precinct, containing a number of buildings and structures. It is understood the Church has plans to redevelop the site.

It is understood the proposed Caravan Park is being jointly funded by BHP Billiton and the Shire, as well as through Federal and State Government regional development funding schemes (subject to approval). It is understood the facility will provide approximately 42 powered caravan sites and 14 powered camping sites, as well as an amenities block. There is also the potential for the development of a number of chalets and backpacker's accommodation.



This Recreation Precinct has been accommodated within LandCorp's Draft Structure Plan for the Cowra Precinct, recognising that the planning for this site is being undertaken by the Shire.

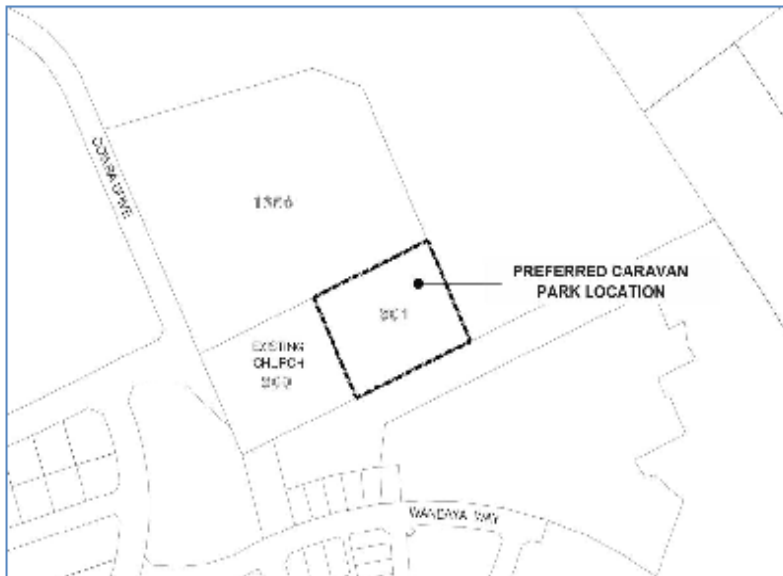
The internal configuration of the Recreation and Tourist Precinct, including the location of the Caravan Park, does, however, impact on the broader Structure Plan area, from a useability, drainage, access and amenity perspective.

ALTERNATIVE LOCATION OF CARAVAN PARK

Whilst LandCorp is supportive of the proposed Recreation and Tourist Precinct on Cowra Drive, LandCorp and its project team believe that the Caravan Park would be better located immediately east of the existing Church facility on Cowra Drive (Lot 301), to provide a more consistent public open space layout, and to potentially accommodate playing fields and flexible layouts in the future. This alternative location would also allow for internal access to the Caravan Park via access roads established as part of the Structure Plan, as well as deliver a more appropriate and high quality interface with the proposed recreation area and redeveloped church facility.

A plan showing this alternative location is provided below:

FIGURE 1 – PREFERRED LOCATION OF CARAVAN PARK (SOURCE: URBIS 2013)



It is our opinion that relocating the Caravan Park east of the Church, as shown above, will deliver a superior planning outcome as it will provide for a consolidated area for active open space rather than it being effectively fragmented by the intrusion of the Caravan Park into the corner of the open space area.

It will also provide greater flexibility for drainage in this location, as well as allow the Caravan Park site to be accessed internally. Further, the alternative location will provide the Shire with greater flexibility in the future to accommodate additional uses within this Precinct, as well as protect the amenity of the Estate at the Cowra Drive entrance.



We welcome the opportunity to discuss this matter with the Shire in further detail if required. Should you wish to discuss this submission or require additional information, please do not hesitate to contact the undersigned or Megan Gammon on (08) 9348 0500.

Yours sincerely,

A handwritten signature in blue ink that reads "Sally Birkhead".

Sally Birkhead
Associate Director - Planning

9.2.8 BUSINESS PLAN - MARTUMILI INFRASTRUCTURE PROJECT

Attachments:	Letters received by WDLAC (1) Letters received by WDLAC (2)
File Ref:	ABA-15-1
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the final business plan for the Martumili Infrastructure Project.

BACKGROUND

The need for a purpose-built arts facility in Newman for Martumili Artists was identified in Martumili Artists Business Plan 2011-2013. Funding was secured for the project in 2012 (\$3.5 million – Pilbara Cities; \$4 million – BHP Billiton Iron Ore). Martumili Artists have developed a draft arts facility and gallery business case for the Martumili Infrastructure Project.

The main purpose of this project is to develop an architecturally excellent, civic minded, socially and environmentally sustainable piece of key infrastructure in Newman which will enable Martumili Artists to achieve its full potential by providing Martu people access to the social, cultural and economic benefits that come with the production and equitable/ethical sale of works of art.

This is an exciting opportunity for Martumili Artists to work with industry partners, local and state governments and the community in a respectful, professional and energetic manner to provide a valuable cultural resource for the Martumili artists, their wider communities, and both tourists and locals in Newman.

The Arts Facility and Gallery will comprised of the following components:

- A gallery for the display and sale of artwork;
 - Custom-built spaces for artists to undertake their artwork production in Newman;
 - Secure, fire rated storage for general artwork and the Martumili collection;
 - Appropriate staff work spaces;
 - Meeting room;
 - Commercial kitchen;
 - Caretaker's accommodation (housing for Martumili staff member);
 - Staff accommodation – 2 units to be located at Lot 1326 Moondoorow Street (part of SoEP's Moondoorow Community Housing Project).
-

COMMENTS/OPTIONS/DISCUSSIONS

Following Council endorsement of the draft Business Case – Martumili Infrastructure Project at the 24th May 2013 Council Meeting, the Shire of East Pilbara advertised the Business Case for public comment for six weeks as per the Local Government Act Section 3.59. The submission date closed on the 9th July 2013. One submission was received from WDLAC within the timeframe.

Another submission was received from WDLAC after the closing date for public submissions. Both submissions are attached.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —

- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

3.59. Commercial enterprises by local governments

- (1) In this section —
- acquire** has a meaning that accords with the meaning of **dispose**;
- dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
- land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —
- (a) acquire or dispose of an interest in land; or
 - (b) develop land;
- major land transaction** means a land transaction other than an exempt land transaction if the total value of —
- (a) the consideration under the transaction; and
 - (b) anything done by the local government for achieving the purpose of the transaction,
- is more, or is worth more, than the amount prescribed for the purposes of this definition;
- major trading undertaking** means a trading undertaking that —
- (a) in the last completed financial year, involved; or
 - (b) in the current financial year or the financial year after the current financial year, is likely to involve,
- expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;
- trading undertaking** means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.
- (2) Before it —
-

- (a) commences a major trading undertaking; or
 - (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction,
- a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government; and
 - (b) its expected effect on other persons providing facilities and services in the district; and
 - (c) its expected financial effect on the local government; and
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
- * Absolute majority required.*
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
 - (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

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

3.3.3 Provide infrastructure to support economic development
Responsible officer: DCEO
Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

1. **Receive and consider the submissions made;**
2. **Proceed with the Martumili Infrastructure Project as presented in the Business Plan.**

9.2.9 COMMUNITY ASSISTANCE GRANTS ROUND 1 (2013-2014)

File Ref: CSV-9-4-2
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Keesha Booth
Coordinator Community Development
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the Community Assistance Grants received for Round One of the 2013/2014 financial year.

BACKGROUND

Community Assistance Grant application can be made by clubs and community groups twice per year. Round One (1) opens on the 1st of July and closes on the 31st July and are assessed at the August Council Meeting. Round Two (2) opens on the 1st January and closes on the 31st January and are assessed at the February Council meeting. Each application is eligible for a grant of up to \$5,000 in cash or in-kind.

All application must meet one of the four criteria's as described below;

1. Club/organisation development e.g. governance and management strategies such as installations of accounting procedures, hiring of consultants to prepare businesses and succession plans, governance training, grant writing courses.
2. Hosting special events associated with the clubs/ organisations e.g. State Championships, yearly interstate championships, promotions, marketing, venue equipment and/ or hire.
3. Sporting club development such as coaching and/or official courses
4. Beautification of facilities and/or premises e.g. refurbishments and renovations of premises or facilities.

COMMENTS/OPTIONS/DISCUSSIONS

This round the Shire of East Pilbara received six (6) applications from community groups and sporting clubs whom are all based in the East Pilbara. In total five (5) out of the six (6) applicants met the required criterion and are as followed;

Applicant	Criterion Met (Y/N)	Description
East Pilbara Independent Support Inc (E.P.I.S)	Yes	Beautification of facilities and/or premises
Marble Bar Tourist Association Inc	Yes	Beautification of facilities and/or premises
East Pilbara BMX Club	Yes	Beautification of facilities and/or premises
Filipino Association of Newman	Yes	Hosting special events associated with the clubs/ organisations
Kanyiminpa Jukurrpa (K.J)	Yes	Club/organisation development
Pilbara Meta Maya Regional Aboriginal Corporation	No	Applicant did not meet criteria (beautification of their office based in Port Hedland) as their project was not based in the East Pilbara, nor did it benefit the East Pilbara community.

Applications that met the criteria will be assessed individually to assist in the assessment process.

East Pilbara Independent Support Inc (E.P.I.S)

East Pilbara Independent Support Inc was established in Newman in 1993 for the purpose of providing services to frail aged people, people with a disability and their cares. E.P.I.S delivers the Home and Community care program across five sites including: Newman, Jigalong, Nullagine, Marble Bar and Tom Price. Their grant application has requested the following;

Amount requested	\$5,000	Type:	Cash
Total Budget	\$8897.86		
Funding from other organisations?	Yes	Bendigo Bank Seniors Week and Festival 2013 Community Grants Program	
Has your organisation previously received funds from the Shire of East Pilbara?	No		
Description of Project	E.P.I.S would like assistance from the Shire of East Pilbara for the beautification of the surrounding garden area at the Newman Day Centre. Having an area available for their clients to participate and take ownership of a number of trees and raised garden beds promotes the Wellness Approach within aged care standards.		
Target Group the project is aimed at benefiting	E.P.I.S clients and families.		
How will this benefit the East Pilbara community	This project will promote clients interacting socially and physically in the hope they can continue living at home and within their community, as well as enhancing their quality of life.		

<p>How will your organisation acknowledge the Shire of East Pilbara funding?</p>	<p>The Shire of East Pilbara will be highlighted in the annual report for E.P.I.S and the Shire's logo will be on the premises sign at the front of the Day Centre.</p>
---	---

Marble Bar Tourist Association Inc

Marble Bar Tourist Association has being incorporated since May, 2000. The association assists in the tourism and historical preservation of the town's local and historical stories. The association assists in attracting tourism to Marble Bar and aids tourists in existing landmarks that are of community significant to the East Pilbara. Their grant application has requested the following;

<p>Amount requested</p>	<p>\$4,000</p>	<p>Type:</p>	<p>Cash</p>
<p>Total Budget</p>	<p>\$4,000</p>		
<p>Funding from other organisations?</p>	<p>No</p>		
<p>Has your organisation previously received funds from the Shire of East Pilbara?</p>	<p>Yes</p>	<p>Marble Bar Tourist Association receives an annual budget from the Shire of East Pilbara of \$8,000. Please refer to attachments.</p>	
<p>Description of Project</p>	<p>Marble Bar Tourist Association Inc. would like to erect a tourist information board/sign at the secret World War II Airbase displaying the sites of significant not known or displayed, because of the secrecy of the base.</p>		
<p>Target Group the project is aimed at benefiting</p>	<p>Local businesses, Shire of East Pilbara, Marble Bar community and tourism in the East Pilbara.</p>		
<p>How will this benefit the East Pilbara community</p>	<p>Local businesses will benefit from additional sales and school children could visit and learn more of the Defence Force historically and assist in community clean-up projects for the site which will be available to local community members.</p>		
<p>How will your organisation acknowledge the Shire of East Pilbara funding?</p>	<p>Acknowledgement will be made on the sign with the Shire's logo displayed.</p>		

East Pilbara BMX Club

The East Pilbara BMX club is a community (not for profit) organisation that aims to provide the community with a safe and supportive environment for all ages to enjoy the sports of BMX. The town of Newman does not currently have a BMX facility in which the club has not being operational since 2006. The existing facilities are weathered and overgrown; currently the club has being re-established with a committee focusing on reopening the BMX track. Currently the club is in the process of applying for a grant via BHP Billiton and if approved the club will be able to sign on for a lease of land with the Shire of East Pilbara. This grant application is subjected to these conditions and if approved by Council will only be processed if their BHP grant is approved in which all Shire of East Pilbara funds must be spent before the start of the 2014-2015 financial year. Their grant application has requested the following;

Amount requested	\$5,000	Type:	Cash
Total Budget	\$90,000		
Funding from other organisations?	Yes	BHP Billiton- awaiting funding response	
Has your organisation previously received funds from the Shire of East Pilbara?	No		
Description of Project	The BMX club is in the planning process of wanting to upgrade the BMX track to reintroduce the sports to Newman and provide an activity for all ages that can enjoy, participate, spectate and volunteer. The \$5,000 will specifically go to the shaded spectating area.		
Target Group the project is aimed at benefiting	All community members especially children aged 2-16 years.		
How will this benefit the East Pilbara community	It will not just benefit club members but also any member of the community with a comfortable place to observe BMX racing and participate in community events such as open days, race days, North West Championships and coaching seminars.		
How will your organisation acknowledge the Shire of East Pilbara funding?	Acknowledgement on race days and open days, including signage at track sites.		

Filipino Association of Newman

The Filipino Association of Newman was established in 2011 and is a grassroots approach of community collaboration with the Filipino Association and the Newman community. In the previous two years the Filipino Association have created culturally specific events such as the Filipino Night which has showcased to the Newman community the Filipino, culture, arts and food cuisines. Their grant application has requested the following;

Amount requested	\$5,000	Type:	In-kind
Total Budget	\$10,678		
Funding from other organisations?	Yes	Savannah's Engineering, Strang Signs, BHP Billiton and Niche Q.	
Has your organisation previously received funds from the Shire of East Pilbara?	Yes	In-kind contribution for the Philippines Independence Celebrations 2011-2013	
Description of Project	The Filipino Association of Newman is developing their first sports festival in Newman for the community to engage in various social tournaments each year. They would like an in-kind contribution for the facility hire of the Recreation Centre for the whole season which spans over three months each year.		
Target Group the project is aimed at benefiting	Filipino and other cultural groups in Newman for a long term basis.		
How will this benefit the East Pilbara community	This event will promote Newman community cultural awareness, provide more programs for the community and engage in the diversity of people via social wellbeing, health and fitness.		
How will your organisation acknowledge the Shire of East Pilbara funding?	Acknowledgement of the Shire will be displayed on all sports uniforms and advertising banners.		

Kanyirninpa Jukurrpa (K.J)

Kanyirninpa Jukurrpa (KJ) is a Martu organisation that is based in Newman. Most of KJ's programs and activities occur on the Martu determination to the east of Newman and in particular out of the Jigalong, Parnngurr, Punmu and Kunawarritji communities. KJ is working with Martu to build strong, sustainable communities in a manner that is Martu-focused and recognises and reinforces Martu values. KJ is focused on two complementary goals: to preserve and celebrate Martu culture; and to build the foundations of a viable economy in the Martu communities. Their grant application has requested the following;

Amount requested	\$4,838	Type:	Cash
Total Budget	\$38,038		
Funding from other organisations?	Yes	Newman Women's Shelter, E.P.I.S and YMCA	
Has your organisation previously received funds from the Shire of East Pilbara?	No		
Description of Project	The Martu Community Access Library (CAL) is a digital collection of archival material (photos, slides, films, video, audio etc.) of great cultural and historical value to both Martu people and Mainstream society. It currently includes images and oral histories of Martu people and community life and many important documents and items of memorabilia. CAL contains many decades of historically and culturally relevant materials that are continually being updated, thus making it a living history and library in which KJ would like to purchase for the East Pilbara community.		
Target Group the project is aimed at benefiting	This project is aimed at increasing knowledge, understanding and pride of Martu culture. The computers will be placed at Newman's Women's Shelter, either EPIS or YMCA which will be utilized by staff and clients of these organisations. For Martu CAL can assist in increasing pride and confidence in their culture and in turn will help improve social, personal and emotional wellbeing.		
How will this benefit the East Pilbara community	CAL provides the means of showcasing Martu culture, country, families and their history. It provides a compelling means of teaching the broader Australian community about Martu culture and society. It empowers community leaders through enabling them to share in the transmission of significant cultural and historical information to other community members, involving young adults and children in learning about traditional life, first contact stories, mission times, and family genealogical information in user friendly and engaging way; provides a connecting community activity; and have		

	social personal and emotional benefits through connecting Martu people with their culture.
How will your organisation acknowledge the Shire of East Pilbara funding?	The Shire of East Pilbara will be acknowledged in the bi-monthly newsletter which has over 500 subscribers nationally. The roll out of CAL will also be publicized in local newspapers acknowledging the contributions of the Shire. Furthermore acknowledgement of the contribution will be included in each CAL manual which is installed with each system.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 COMMUNITY ASSISTANCE GRANTS

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.1 Promote diverse, harmonious and caring communities

Responsible officer: MCW

Timing: 1-3 years

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. The funds for approved grants will be accessed by GL#81040.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Approve a Community Assistance Grant of \$5,000 cash contribution to East Pilbara Independent Support Inc to assist with beautification of the Newman Day Centre.**
- 2. Approve a Community Assistance Grants of \$4,000 cash contribution to Marble Bar Tourist Association Inc for the development of the World War II Air Base sign in Marble Bar.**
- 3. Approve a Community Assistance Grants of \$5,000 cash contribution to East Pilbara BMX Club for the beautification and redevelopment of the BMX club site in Newman- subject to funding if their BHP grant is approved and leasing of the land is accepted by the Shire of East Pilbara.**
- 4. Approve a Community Assistance Grants of \$5,000 in kind contribution to the Filipino Association of Newman for the facility hire of Shire of East Pilbara facilities and equipment for their 1st Annual Sports festival.**
- 5. Approve a Community Assistance Grants of \$4,838 cash contribution to Kanyirninpa Jukurrpa (KJ) for the purchasing of two computers for their Community Access Library project.**

9.2.10 MARBLE BAR RSL TOWN PARK THERMOMETER

File Ref: ORG-11-8
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: Marble Bar
Name of Applicant: Marble Bar Tourist Association Inc.
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider the offer made by the Marble Tourist Association Inc. to gift the RSL Town Park thermometer to the Shire of East Pilbara.

BACKGROUND

In 2010, the thermometer was purchased by the Marble Bar Tourist Association Inc. (the Association) for an amount of \$5,023.70.

Currently the Association is responsible for insurance and maintenance costs associated with this thermometer.

The Association has made an offer to gift this thermometer to the Shire.

The play equipment located at the town park was gifted to the Shire in 2005/2006 by the Association. Since this time, this equipment has been the responsibility of the Shire in terms of insurance and maintenance costs. These costs have been minimal each year.

COMMENTS/OPTIONS/DISCUSSIONS

The thermometer is a unique tourist attraction in itself, as it signifies the importance of the claim made by Marble Bar, that it is the hottest town in Australia for a specific amount of consecutive days per year. Many visitors and tourists to Marble Bar have their photo taken in front of this electrical thermometer.

If the Shire accepts the gift of this thermometer, it will then be responsible for the yearly insurance of this asset, estimated to be no more than \$150.00 per year plus the associated maintenance and ongoing utility cost of this asset, which is estimated to be no more than \$2,000 per year.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

- (a) To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquillity of the Shire is not destroyed, affected or diminished.
 - (b) To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
 - (c) To encourage tourist orientated commercial development, particularly development of a "country style" nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.
 - (d) To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
 - (e) To ensure that tourism funding is spent to the best advantage, avoiding duplication.
 - (f) To carry out direct promotion of tourist facilities and events where appropriate.
 - (g) To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
 - (h) To foster and create a community awareness of the benefits of tourism within Council's area.
 - (i) To ensure that Council will guide and influence the development of tourism in the Council area.
 - (j) To provide the basic facilities and infrastructure sufficient to encourage development.
-

- (k) To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

- (a) Council will endeavour to provide an adequate budget allocation for tourism expenditure.
- (b) Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
- (c) Council will encourage representation on Regional Tourist Associations, and will seek representation on Local Tourist Associations.
- (d) In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.
- (e) Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.
- (f) In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.
- (g) Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.
- (h) Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- (i) When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.
- (j) Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
- (k) Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.
- (l) Council will encourage the landscaping of residential and commercial centres within the Shire.
- (m) Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.
- (n) Council will support the development of appropriate scenic routes and lookouts.
- (o) Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.
- (p) Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.
- (q) Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.1 Business diversification and promotion

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Accept the gift being made by the Marble Bar Tourist Association of the town thermometer.**
- 2. Continue to maintain the thermometer to an acceptable standard.**
- 3. Continue to insure the thermometer to an acceptable replacement value.**
- 4. Install an acknowledgement plaque to signify the gifting of the thermometer by the Marble Bar Tourist Association to the Marble Bar community.**



Mr Allen Cooper CEO
Shire of East Pilbara
PMB 22
NEWMAN WA 6753

Dear Allen

Re: Thermometer RSL Park Marble Bar

Further to our letter dated the 12th April 2013, we omitted to elucidate that by the maintaining and insuring of the Thermometer this significant town feature would become the property of the Shire of East Pilbara.

The Play Equipment in the Park, which was also purchased by the Marble Bar Tourist Association, was gifted to the Council at the time of purchase.

I do hope this clarifies the object of our initial request in April.

Yours sincerely

Sue Verschuer
Hon. Secretary
10th July 2013

DCFO

EAST PILBARA SHIRE NEWMAN OFFICE	
RECEIVED	
16 JUL 2013	
Client # 1006-11-3	Client # 2
File # 1006-11-3	File # 2
Invoice # 10013-14310	

Mr Allen Cooper CEO
Shire of East Pilbara
PMB 22
NEWMAN WA 6753

Dear Allen

Re: Thermometer Insurance RSL Park Marble Bar

Currently, the Marble Bar Tourist Association is responsible for the Insurance and maintenance of the Digital Thermometer, which is situated in the RSL Park.

This Thermometer was purchased from Burke Air by the Marble Bar Tourist Association, for an amount of \$5,023.70 and paid for on the 27th May 2010. A copy of a Financial Report for that period is enclosed, showing the record of payment.

We are respectfully requesting that the Shire of East Pilbara take over the Insurance and maintenance of this meaningful piece of equipment.

The Play Equipment in the park was also purchased by the Association with a loan received from the Department of Local Government and Regional Development in the 05/06 financial year, this equipment was placed under the control of the Shire at that time. Enclosed is a copy of the acquittal letter for the funding of the same.

Yours sincerely

Sue Verschuer
Hon. Secretary
12th April 2013

Enc;

9.2.11 RATES MINING ASSESSMENTS

File Ref: MIN 3-1
Responsible Officer: Ms Sian Appleton
 Deputy Chief Executive Officer
Author: Mrs Deb Thoars
 Rates Revenue Finance Officer
Location/Address: N/A
Name of Applicant: Stansmore Resources Pty Ltd
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to write off \$23,179.73 in rates levied on Mining Tenements for 2012/13 financial year.

BACKGROUND

Several attempts have been made to contact owner for payment of the outstanding rates. First demand letter was sent by Shire Debt Collection Agency CS Legal for recovery, with no result. All of the tenements have now been surrendered. Correspondence has been received from the owner which mentioned the company is insolvent and is proposing to deregister it.

The amounts outstanding with interest accruing are listed in the tables below.

COMMENTS/OPTIONS/DISCUSSIONS

Assessment #	Owner	Property ID	Amount	Details
A701346	Stansmore Resources Pty Ltd PO Box 884, Victoria Park WA 6979	E80/4502	\$8,584.43	Tenement granted 22 December 2011.Surrendered 31 May 2013. Stansmore Resource was purchased to acquire the tenement; it is a \$2 company that has no bank accounts or assets. It was hoped to finance the grant of the tenement by inviting a joint venture company to raise capital.

Assessment #	Owner	Property ID	Amount	Details
A701627	Stansmore Resources Pty Ltd PO Box 884, Victoria Park WA 6979	E80/4573	\$7,678.55	Tenement granted 18 May 2011.Surrendered 7.6.2013. Stansmore Resource was purchased to acquire the tenement; it is a \$2 company that has no bank accounts or assets. It was hoped to finance the grant of the tenement by inviting a joint venture company to raise capital.

Assessment #	Owner	Property ID	Amount	Details
A701872	Stansmore Resources Pty Ltd PO Box 884, Victoria Park WA 6979	E80/4572	\$4,870.27	Tenement granted 8 June 2012.Surrendered 15 May 2013. Stansmore Resource was purchased to acquire the tenement; it is a \$2 company that has no bank accounts or assets. It was hoped to finance the grant of the tenement by inviting a joint venture company to raise capital.
Assessment #	Owner	Property ID	Amount	Details
A701628	Stansmore Resources Pty Ltd PO Box 884, Victoria Park WA 6979	E80/4574	\$2,046.48	Tenement granted 18 th May 2012. Surrendered 7.6.2013. Stansmore Resource was purchased to acquire the tenement; it is a \$2 company that has no bank accounts or assets. It was hoped to finance the grant of the tenement by inviting a joint venture company to raise capital.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 6 - Rates and service charges) (Subdivision 4 – General financial provisions) 6.12. Power to defer, grant discounts, waive or write off debts (c) (pg 217)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Nil

FINANCIAL IMPLICATIONS

Reduction in collection of rates totalling \$23,179.73

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council approval to write off \$23,179.73 in rates levied on Mining Tenements for 2012/13 financial year.

9.2.12 CREDITORS FOR PAYMENT

File Ref: FIN 10-2

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 26th July 2013.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT20260-EFT20599	3,427,581.42
	Total	\$3,427,581.42
Cheque Payments	22250-22292	74,753.63
	89-91	12,866.64
	Total	\$87,620.27
	GRAND TOTAL	<u><u>\$3,515,201.69</u></u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES
22284

CANCELLED CHEQUES & EFTS

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$3,515,201.69

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT20260-EFT20599	3,427,581.42
	Total	\$3,427,581.42
Cheque Payments	22250-22292	74,753.63
	89-91	12,866.64
	Total	\$87,620.27
	GRAND TOTAL	<u>\$3,515,201.69</u>

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES – STATUS OF
COUNCIL DECISIONS - JULY 2013**

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

REPORT PURPOSE

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

BACKGROUND

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Director Technical and Development Services for July 2013 be received.

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

23 AUGUST, 2013

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Gathering of information to be included on signs/plaques	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS MTS-Newman	Technical Services to review requirement of tender & length of contract before re-tendering	Jun/Jul 2013
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – NEWMAN - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	DTDS	Tenure of land and alignments to be investigated and feasibility assessed Align options selected. Centrelines to be pegged.	In Progress
24 May 2013	13.5	UPDATE LOCAL SIGNS Cr Doug Stead asked if the signs around Newman can be updated as they are deteriorating. Director Technical and Development Services to follow up.	DTDS MTS-Newman	A works request has been raised to inspect signage	In Progress
28 June 2013	9.3.3	EMERGENCY SERVICES REVIEW - OPTION TO TRANSFER LOCAL BUSH FIRE BRIGADES IMPACT ASSESSMENT	DDTS	A copy of agenda forwarded to DFRS to start discussions	In Progress
26 July 2013	13.7	NULLAGINE/MARBLEBAR TURN OFF Cr Lynne Craigie has asked if the Shire can write to Main Roads or Pilbara Regional Road Group regarding speed conditions at the intersection Nullagine/Marble Bar as it is very dangerous. Mr Rick Miller, Director Technical and Development Services to follow up.	DTDS	Letter has been forwarded to MRWA for action	In Progress

9.3.2 APPLICATION TO KEEP MORE THAN TWO DOGS

Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Andrew Norris Coordinator Ranger and Emergency Services
Location/Address:	11 Hilditch Avenue, Newman
Name of Applicant:	Amanda McArtney
Author Disclosure of Interest:	Nil

REPORT PURPOSE

The applicant seeks approval to keep three dogs at the above address.

BACKGROUND

The applicants found a third dog some time ago and were unable to identify or locate the owner. They now wish to keep the dog with their other two dogs of the same breed (Red Kelpies, Registration numbers R3887 and R3924).

Ranger Services received an application to keep more than two dogs from the applicant on 01 July 2013.

Rangers undertook normal enquiries to determine if the application was appropriate.

COMMENTS/OPTIONS/DISCUSSIONS

Rangers enquiries indicate that the animals have a large yard and are regularly exercised there are no immediate neighbours and no responses have received in response to public notices which were advertised on local notice boards for 14 days.

The original two dogs are registered and have been since February 2011. No history on the dogs is apparent on the Shire of East Pilbara registration database and no complaints have previously been received in relation to the dogs. The applicant states that her partner is frequently at home and would be able to monitor the dogs the majority of the time.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 (as amended), - Section 26. Limitation as to numbers; is applicable

S26 (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;

- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
- (c) may be revoked or varied at any time.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the application to keep three (3) dogs at 11 Hilditch Avenue, Newman subject to the following conditions:

- 1. All Dogs are to be registered with the Shire of East Pilbara at all times**
- 2. Only those dogs specified in the application may be kept at the nominated address.**
- 3. Fencing must be maintained such that all dogs are confined upon the premises at all times, unless in the company of a responsible person and in compliance with the provisions of the Dog Act 1976(As Amended).**
- 4. Any contravention of the Dog Act 1976(As Amended).is reason for immediate, “on the spot”, revocation of this permission**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission.**

**9.3.3 PROPOSED AMENDMENTS TO LOCAL PLANNING POLICY NO. 1 - EAST
NEWMAN MASTERPLAN**

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
Name of Applicant: URBIS on behalf of Landcorp
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required in relation to further amendments to the East Newman Masterplan adopted as Local Planning Policy No. 1.

BACKGROUND

Council at its meeting held on 19 April 2013 considered amendments to the East Newman Masterplan which included the following:

- Taking of portion of POS area 9 (drain) to create a larger grouped dwelling site; and
- Creating a new grouped dwelling site adjoining POS area 3.

The above changes resulted in a total reduction of POS Area from 11.64% to 11.62% and accordingly Council resolved to support the changes subject to normal requirements to amend a Local Planning Policy including the advertising of such and consideration of submissions received (if any). However, shortly after the April meeting the Shire's town planning section was advised that further changes were to be made and as a result, deferred acting upon the resolution of the April meeting until such time that the further amendments had been received.

A further revised plan has been received and now requires the further consideration of Council prior to being formally advertised in accordance with Town Planning Scheme No. 4.

COMMENTS/OPTIONS/DISCUSSIONS

The amendments to the Masterplan now include the following proposed changes:
Creation of a new link road from the north of the masterplan area into the adjoining future proposed Cowra precinct;

- The amalgamation of the two grouped dwelling sites in the north of the masterplan area into a single site and the further taking of a portion of POS area 9 (drain) to increase the overall lot size of the grouped dwelling site; and
- The creation of an additional grouped dwelling site adjoining POS area 3 (as per the previous proposal).

The above changes are identified on the plans attached.

Overall, the proposed change in POS area from what is currently adopted results in a reduction from 11.64% down to 11.61%. Importantly, the POS area that is proposed to be reduced is an area of drainage and is therefore considered acceptable in the overall assessment of the masterplan.

Additionally, the creation of the new road as well as the amalgamation of the grouped dwelling site has resulted in a loss of 10 single residential lots. The loss in the lots is a direct result of the new road however, because of the new road it resulted in creation of an odd shaped area not suitable to be designed into single residential lots. The decision was therefore made to convert such area into a grouped dwelling site for use by the Department of Housing.

In all, the proposed changes amount to an effective use of space and provides for improved connectivity into future residential areas currently in the initial phases of planning. It is therefore considered appropriate for council to commence proceedings to amend the subject masterplan.

STATUTORY IMPLICATIONS/REQUIREMENTS

In accordance with Town Planning Scheme No. 4 Clause 2.4, Council must resolve to prepare and or adopt an amendment to a Local Planning Policy and then advertise such in a Newspaper circulating in the district once a week for two weeks and request submissions to be made within a period of time being not less than 21 days. After such time, Council will need to consider any submissions received then resolve to adopt such Local Planning Policy with or without modification.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

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

Responsible officer: CEO

Timing: 1-5 years

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

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 adopted by Council on 7 December 2012 with the plan prepared by URBIS (DWG NO 001 REV F) and dated 10 May 2013 and in doing so undertakes the following procedures:

- 1. Publish a notice of the proposed Policy amendments 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.**

9.3.4 PROPOSED ROAD CLOSURE - DOHERTY STREET, NULLAGINE

File Ref:	A300206
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Adam Majid Manager Development Services - Planning
Location/Address:	Irrungadji Community, Nullagine
Name of Applicant:	Ngurra Kujungka (formerly Western Desert Sports Council Inc.)
Author Disclosure of Interest:	Nil

REPORT PURPOSE

Council's final consideration is required with respect of an application to close Doherty Street in Nullagine.

BACKGROUND

Council initially considered the closure of Doherty Street at its meeting held on 28 June 2013 whereby it resolved as follows:

THAT Council

- 1. Initiate the closure of Doherty Street road reserve, Nullagine for the purposes of amalgamating such land into adjoining Lot 206 in accordance with Section 58 of the Land Administration Act 1997;*
- 2. Cause the proposed closure to be advertised in a newspaper circulating within the district inviting public comment for a designated period of time being not less than 35 days in accordance with Section 58 of the Land Administration Act 1997; and*
- 3. Notify service authorities and/or their agents of the proposed closure and invite comments from such authorities/agents accordingly.*

Following the above resolution, the proposed closure was advertised in the North West Telegraph in addition to referral letters being sent to Horizon Power, Water Corporation and Telstra. At the time of writing this report, no submissions were received from the before mentioned agencies.

Further and additional, the proposal was discussed with Department of Planning's Aboriginal Community planning section who advised that they had no objections to the proposal and would be willing to amend the Community Layout Plan to reflect the road closure once approval is obtained from the Department of Lands.

Contact was also made with the Aboriginal Lands Trust land management branch but as yet no response has been received.

COMMENTS/OPTIONS/DISCUSSIONS

As advised at the June Council meeting, the nature of the request to close the subject road is to facilitate the redevelopment/grassing of the Irrungadji sports oval for use by the entire Nullagine community.

At present, both Ngurra Kujungka and Shire officers are engaged in the project which is progressing without major concern at this point in time.

As part of the proposal it has been discussed that the resulting land from the road closure will be amalgamated into adjoining Lot 206 which is a Recreation Reserve vested with the Shire. Therefore, the use of the land will be consistent with the Reserve vesting.

In considering that no submissions have been received objecting to the proposal and that the proposal is for the betterment of the whole of Nullagine community it is considered acceptable and therefore recommended for Council's support.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997 – Section 58.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

No financial resource impact.

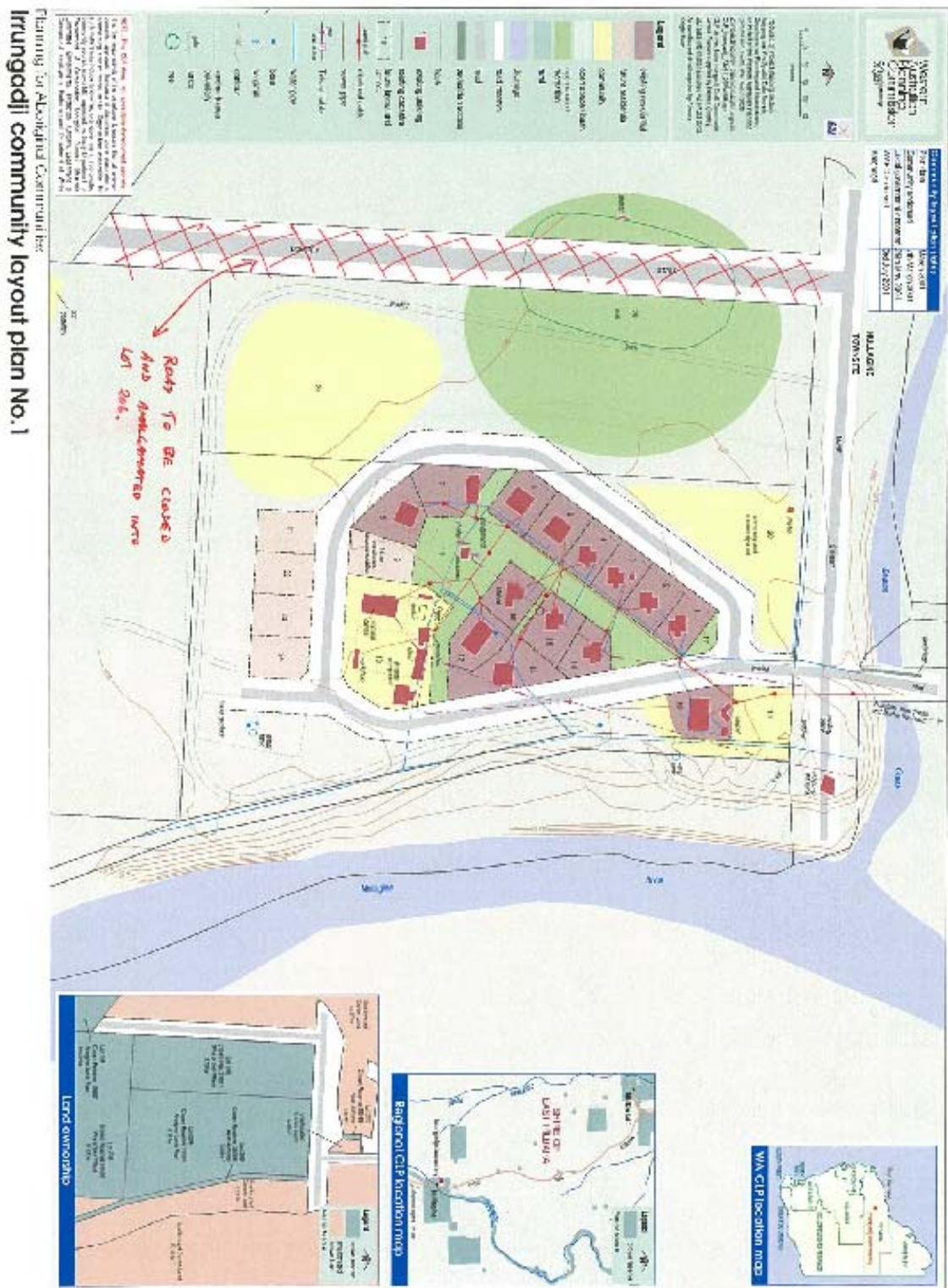
VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. Resolves to request the Minister for Lands to formally close Doherty Street, Nullagine as indicated on the attached plan in accordance with Section 58 of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998; and
2. Requests the land currently occupied by Doherty Street be amalgamated into Lot 206 being Crown Reserve 33851 for the purposes of Recreation.



**9.3.5 NULLAGINE/IRRUNGADJI OVAL GRASSING PROJECT - MEMORANDUM
OF UNDERSTANDING COVERING MAINTENANCE ARRANGEMENTS**

File Name: DD NULLAGINE IRRUNGADI OVAL GRASSING PROJECT MEMORANDUM OF UNDERSTANDING
COVERI.docx - This line will not be printed do not delete

File Ref: A300206

Attachments: [MoU Nullagine Oval Grassing Project v2 1 pdf](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Ms Helen Taulapiu
Technical Services Administration Officer

Proposed Meeting Date: 23 August 2013

Location/Address: Lot 206, R33851, Nullagine

Name of Applicant: Western Desert Sports Council Inc.

Author Disclosure of Interest: Nil

REPORT PURPOSE

For council to consider a request from Western Desert Sports Council Inc.(WDSC) to support the upgrading of, and development of sports facilities at the existing Nullagine Oval, through entering into an Memorandum of Understanding (MOU).

BACKGROUND

At the Ordinary Council Meeting held 28th June 2013 it was resolved:

“THAT Council

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

COMMENTS/OPTIONS/DISCUSSIONS

The project consultant and representatives have been involved in discussions with shire officers in seeking advice and support to progress the project to a stage where it can seek funding for implementation. The MOU is being presented to Council for endorsement, ahead of its inclusion in the Community Sporting and Recreation Facilities Fund (CSRFF) application. The CSRFF application will be presented to the September 2013 Council meeting for support and of which the MOU is one part of the application for funding.

The project consultant advises that the MOU outlines the maintenance arrangements for the Nullagine / Irrungadji Oval following completion of the works to green the oval. It clarifies the roles of different parties to the MOU in maintaining the oval. As such it serves the purpose of providing assurance to funding bodies that arrangements have been discussed and agreed and will be adopted for at least the first five years of operation of the facility.

The MOU incorporates information on the Shire's role as outlined in the above resolution (Points 3 and 4) that was passed at the June 2013 Council meeting. Also to note is that the MOU only comes into effect should the funding be successful and the project proceed.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

5.4 STANDARD CONDITIONS FOR USE OF ACTIVE RESERVES (OVALS)

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

2.1.2 Encourage active lifestyles

2.1.3 Encourage high rates of participation in community activities and events

2.1.4 Support individual and community health

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure
Financial Implications

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council delegate the authority to the Chief Executive Officer to accept and sign the Memorandum of Understanding Covering Maintenance Arrangements for The Nullagine/Irrungadji Oval between the Shire of East Pilbara and the Western Desert Sports Council Inc.

- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
27 September 2013, Marble Bar
- 15 CLOSURE**