

Unconfirmed copy of Minutes of  
Meeting held on 23 March 2012 subject  
to confirmation at meeting to be held  
on 27th April 2012



# **EAST PILBARA SHIRE COUNCIL**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council was held,  
in Council Chambers, Marble Bar,  
10.00 AM, FRIDAY, 23 MARCH 2012.

**Allen Cooper**  
**CHIEF EXECUTIVE OFFICER**



# DISCLAIMER

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

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

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

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

## WRITTEN CONFIRMATION

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

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

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## **1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

Council Meeting was deferred from 16<sup>th</sup> March 2012 to the 23<sup>rd</sup> March 2012 due to Cyclone Lua.

The Chairman declared the meeting open at 10:00 AM and welcomed the Visitors in the public gallery.

The Chairman adjourned the meeting at 10:01 AM for all Councillors to attend the Blessing of the RSL ANZAC Memorial.

The Chairman declared the meeting re-opened at 10:57 AM.

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

### **2.1 ATTENDANCES**

#### Councillors

Cr Lang Coppin  
Cr Craig Hoyer  
Cr Darren Bennetts  
Cr Kevin Danks  
Cr Sue Owen  
Cr Stephen Kiernan

Deputy Shire President

#### Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Adam Majid  
  
Mrs Sheryl Pobrica

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager Development Services –  
Planning  
Executive Services Administration Officer

#### Public Gallery

Mr Richard Hancock

Pilbara Development Commission

### **2.2 APOLOGIES**

#### Councillor Apologies

Cr Lynne Craigie  
Cr Gerry Parsons  
Cr Doug Stead  
Cr Anita Grace

Shire President

#### Officer Apologies

Nil

**2.3 LEAVE OF ABSENCE**

Cr Shane Carter

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**5.1 PILBARA DEVELOPMENT COMMISSION – AGE CARE PLANNING**

Mr Richard Hancock from Pilbara Development Commission provided Council with a presentation on the Situational Analysis of Aged Care Planning in the Pilbara.

*11:21 AM Mr Richard Hancock left Chambers.*

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

**7.1 CONFIRMATION OF MINUTES**

[Minutes February 03 2012 Council.DOC](#)

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/205**

**MOVED:** Cr Kevin Danks

**SECONDED:** Cr Stephen Kiernan

**THAT the minutes of the Ordinary Meeting of Council held on 3 February 2012, be confirmed as a true and correct record of proceedings.**

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

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

**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

Nil



**8.2 ITEMS FOR INFORMATION**

Cr Craig Hoyer

- Attended Councillors visit Newman Shopping Centre 11/02/12
- Attended WALGA Councillors Roles and Responsibilities 08/03/12
- Attended WALGA Ethics and Conduct of an Elected Member 09/03/12

Cr Kevin Danks

- Attended Tourist Association Meeting
- Attended Marble Bar Race Committee Meeting
- Attended LEMC Meeting – Post Cyclone
- Attended Pipunya Property meeting

Cr Sue Owen

- Attended Tourist Association Meeting
- Attended LEMC Meeting – Post Cyclone
- Attended Pipunya Property meeting

Cr Stephen Kiernan

- Attended Marble Bar Community Resource Centre Meeting
- Attended LEMC Meeting – Post Cyclone
- Attended Pipunya Property meeting

## **9 OFFICER'S REPORTS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1.1 EXECUTIVE SERVICES - STATUS OF COUNCIL DECISIONS FEBRUARY 2012**

**File No:** 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

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### **REPORT PURPOSE**

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

### **BACKGROUND**

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

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

That status list of Council decisions is included.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

*(1) The council –*

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

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

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

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

### **POLICY IMPLICATIONS**

Nil

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

**Goal 3 - Community Leadership**

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To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/206**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Craig Hoyer**

**THAT the "Status of Council Decisions" – Executive Services report for February 2012 be received.**

**CARRIED**

**RECORD OF VOTE: 6 - 0**

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	With WAPC for Final Approval	
15 April 2011	13.3	RADIO HILL Cr Shane Carter said if lighting around the barbecues can be installed, as it is due to being too dark. Manager Building Assets to follow up	MBA	Installed needs to be connected	
26 August 2011	11.1.1	ACQUISITION OF LOT 1632 MINDARRA DRIVE, NEWMAN (RESERVE 38510)	MDS-P		On Going
16 December 2011	9.1.9	PLANNING APPLICATION FOR PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET	MDS-P	Advertised – 01/02/2012	March 2012
3 February 2012	9.1.2	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW	SP		
3 February 2012	9.1.3	2012 WA LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION	ESAO	Councillors to let ESAO if attending this Convention	
3 February 2012	9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	ESAO	Will need to be advertised when approved by the WA Governor	
3 February 2012	9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	CPS		On Going
3 February 2012	9.1.6	RECOMMENDATION ON TENDER NO: 06-2011/12 NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS	MDP		On Going
3 February 2012	9.1.7	RECOMMENDATION ON TENDER NO: 07/2011-12 PROVISIONS OF CONSULTANCY SERVICES TO PREPARE NEWMAN TOWN CENTRE DESIGN GUIDELINES	MDP		On Going
3 February 2012	9.1.9	APPLICATIONS TO CLEAR NATIVE VEGETATION UNDER THE	CEO		

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		ENVIRONMENTAL PROTECTION ACT 1986			
3 February 2012	9.1.14	PLANNING APPLICATION FOR PROPOSED OVERSIZED OUTBUILDING 2 GENERAL STREET, MARBLE BAR (P524/11)	MDS-P		
3 February 2012	9.1.15	APPLICATION FOR COUNCIL PERMISSION TO KEEP WILDLIFE AT NO: 15 TJILLA STREET, NEWMAN	MDS-H		
3 February 2012	11.1.1	RESIDENTIAL INFILL PROGRAM (LAZY LANDS), NEWMAN – PREPARED BY THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	CEO		On Going

**9.1.2 AFFIXING COMMON SEAL TO EMPLOYMENT CONTRACT FOR THE  
MANAGER DEVELOPMENT SERVICES - PLANNING**

**File No:** ADM-1-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr David Kular  
Manager Human Resources  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Development Services – Planning.

**BACKGROUND**

The Council has recently employed a Manager Development Services - Planning. The successful applicant for the position was Mr Adam Majid.

Mr Majid has signed a standard employment document which is commensurate to the position.

The period of the contract is for two years.

**COMMENTS/OPTIONS/DISCUSSIONS**

Nil.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

**Policy:**  
Council's Policy Manual 27<sup>th</sup> June 2010.

**EXECUTION OF DOCUMENTS**

Minute No: Item 9.1.3  
Date 27<sup>th</sup> June 2003

**Objective:**  
To allow for the proper execution of documents.

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

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

**PLAN FOR FUTURE OF THE DISTRICT**

Nil.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/207**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Kevin Danks**

**THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Adam Majid, Manager Development Services – Planning for a term of two years, expiring on 11<sup>th</sup> December 2013.**

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

***To be actioned by Mr David Kular, Manager Human Resources***

**9.1.3 TENDER 06-2011/2 - NEWMAN TOWN CENTRE - STAGE 2 LANDSCAPE WORKS**

**File No:** PLN 8-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Allen Cooper  
Chief Executive Officer  
**Location/Address:** Newman Town Centre  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider tender 06-2011/12 – Newman Town Centre – Stage 2 Landscape Works.

**BACKGROUND**

The tender was presented to Council at its 3<sup>rd</sup> February 2012 meeting; (item 9.1.6) at that time Council Resolved;

*“THAT Council defer this item to the next meeting of Council pending further information”.*

A copy of the previous item is enclosed for Council’s information.

A review of the presented documentation and information has been undertaken and the item is being represented as per Council’s request.

**COMMENTS/OPTIONS/DISCUSSIONS**

This detail will be presented to Council meeting for ease of presentation and explanation.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

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

**POLICY IMPLICATIONS**

As per Councils Purchasing and Tender Procedures.



## PLAN FOR FUTURE OF THE DISTRICT

### Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

#### 3.1 Representation

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

## FINANCIAL IMPLICATIONS

This project is fully funded from external resources.

## VOTING REQUIREMENTS

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/208**

**MOVED: Cr Sue Owen**

**SECONDED: Cr Stephen Kiernan**

**THAT Council: Accept the tender from Environmental Industries RFT No-06-2011/12 Provision of Landscaping Services Stage 2 – Newman Town Centre Revitalisation Project for the submitted tender price of \$1,667,481.92, (excl. GST), fixed subject to approved variations.**

**CARRIED  
RECORD OF VOTE: 4 - 2**

Cr Darren Bennetts requested to be recorded against the motion.

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

#### 9.1.4 2011 COMMUNITY SURVEY

**File No:** ADM-7-4

**Attachments:** [Shire East Pilbara survey Nov11.doc](#)  
[Shire of East Pilbara Community Survey 2011 - Open Question Responses.doc](#)  
[Final Report.ppt](#)  
[Shire of East Pilbara Community Survey 2011 - Data Analysis Tables \(FINAL\).doc](#)

**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer

**Author:** Mrs Kylie Bergmann  
Senior Administration Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To receive the comments on the annual survey conducted in December 2011.

#### BACKGROUND

The annual community survey is conducted to gauge residents' views on Council's services. The survey assists in the review of the Plan for the Future of the District and to improve services where required. Surveys have been conducted since 2006.

The **attached** documentation details the results for four years being 2008, 2009, 2010 and 2011.

#### COMMENTS/OPTIONS/DISCUSSIONS

The 2011 survey was conducted by telephone to 747 persons being from across the Shire as follows:

Newman	664
Marble Bar	22
Nullagine	16
Other areas	45

A full copy of the survey has been distributed to all Councillors.

The survey is made up of 14 questions.

A summary and a comment is listed below.

Q1: Can I confirm that you currently reside in the Shire of East Pilbara for at least part of the year?

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The results of this question are displayed above; of the 747 persons surveyed, 664 were from Newman, 22 from Marble, 16 from Nullagine and 45 from other areas.

Q2: In general how do you rate the Shire of East Pilbara as a place to live?

**2011**  
75%

**2010**  
68%

Rated the Shire of East Pilbara as a better than average place to live.

Q3: How long have you been living in the Shire of East Pilbara?

	<b><u>2011</u></b>	<b><u>2010</u></b>
Less than 1 year	13%	8%
Between 1 and less than 5 years	36%	39%
Between 5 and less than 10 years	21%	18%
10 years or more	31%	35%

Q4: Compared to this time last year, would you say that your quality of life in the Shire of East Pilbara is now better, the same or worse?

	<b><u>2011</u></b>	<b><u>2010</u></b>
Better	32%	30%
Same	54%	58%
Worse	14%	12%

Q5: Do you think you will be living in the Shire of East Pilbara in 3 years from now?

	<b><u>2011</u></b>	<b><u>2010</u></b>
Yes	63%	56%
No	25%	29%
Unsure	12%	16%

Q6: If there was one thing that the Shire of East Pilbara could do in the next twelve months to improve services to the community, what would it be?

The verbatim responses are included in the survey document.

Q7: Council Services – Various

	<b><u>2011</u></b>	<b><u>2010</u></b>
A. Airports Net Satisfied	90%	95%
B. Rangers Net Satisfied	63%	62%

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C.	Youth Services Net Satisfied	54%	52%
D.	Safety and Security Net Satisfied	77%	68%
E.	Building, Planning & Development Services Net Satisfied	68%	66%
F.	Roads, Footpaths, Parks & Gardens Net Satisfied	85%	83%
G.	Rubbish Collection & Litter Control Net Satisfied	85%	70%
H.	Shire Financial Management Net Satisfied	79%	59%
I.	Overall Performance Net Satisfied	88%	87%

Q8. What services or facilities that aren't currently provided do you feel the Council should be providing or lobbying State or Federal governments to provide?

Of the 747 respondents surveyed, almost half did not respond to this question.

In general, respondents want Council to provide more:

- Affordable/modern housing
- Youth facilities & services
- Shops/retail
- Business/economy/tourism
- Childcare/after school care
- Cinema
- Kids activities/facilities

The results from the survey should be used as a guide for the ongoing improvement of Council services and for further lobbying and advocacy on behalf of the community.

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

**PLAN FOR FUTURE OF THE DISTRICT**

Work is ongoing on the updated Strategic Community Plan, in line with the Local Government reform agenda.

**FINANCIAL IMPLICATIONS**

The cost of the annual survey is approximately \$30,000 and is budgeted for annually. Improvement on changes to service provisions will be from Council's existing financial resources.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/209**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Sue Owen**

**THAT Council receive the results and comments of the December 2011 Community Survey.**

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

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

**9.1.5 ENDORSEMENT BY COUNCIL TO SUBMIT FUNDING APPLICATIONS TO  
BHP BILLITON IRON ORE FOR VARIOUS PROJECTS**

**File No:** FIN 4-3  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Ms Gaby Pieraccini  
Manager Project Development  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council endorsement to submit to BHP Billiton Iron Ore (BHPBIO) proposals for funding assistance for the following proposed projects as set out below.

**BACKGROUND**

BHPBIO have indicated in principle their support for with funding for the following projects.

Previously BHPBIO have advised that any such application for major funding will require endorsement by Council prior to the applications being considered for funding.

BHPBIO have now requested that the various projects be included in one application using the BHPBIO Community Development Program (CDP) application process.

The following projects are proposed to be included in this current Shire application;

**Newman Tomorrow Implementation Projects**

- Project 2 Greening/Activity Trail – Fortescue & Welsh Drs Newman
- Project 3 Development of Concept Design – Civic Centre Newman

Note – Council have already endorsed these funding applications, (October 2011 council meeting).

**Newman Town Centre Revitalisation (NTCRevit.) Projects**

- Rubbish Collection
- Additional funds – Recycling
- Streetscape beautification along Mindarra Ave adjacent The Beach.  
(Concept Development, Documentation & Implementation.

**Housing Development, Moondoorow Street Newman Project**

**Community Reconciliation Plan Project**

**Feasibility Study – Medical Consultancy Space Project**

**COMMENTS/OPTIONS/DISCUSSIONS**

**Newman Town Centre Revitalisation (NTPCR) Projects**

- Rubbish Collection

This is an ongoing project that BHPBIO have supported for a number of years.

- Additional funds – Recycling

The purchase and installation of a MRF recycling facility was instigated last year and again funding support was provided by BHPBIO. Additional funds have been requested to accommodate a larger shed and associated facilities.

- Streetscape beautification along Mindarra Ave -adjacent The Beach  
(Concept Development, Documentation & Implementation)

This project is seen as an integral part in enhancing the amenity of public spaces as outlined in 'NewmanTomorrow: Resourcing A Home for Generations' Section 10 Green Spaces, as well as supporting the NTPCR Project.

**Housing Development, Moondoorow Street, Newman Project**

The Shire has instigated the redevelopment of Lot 1326 Moondoorow Street, Newman, for housing, and has developed concept plans for up to 8 residences dependent on funding. Plans were presented to Council at the 3<sup>rd</sup> February 2012 Council meeting.

Funding assistance has already been sought from the Department of Regional Development & Lands, Country Local Government Funding 2011-2012 for \$ 2 million.

Additional funding from BHPBIO will enable the site to be developed to its full potential and provide eight townhouses.

It is proposed three townhouses would be available for use by the Shire, three townhouses would be available for Medical Professionals and two would be available for Martumilli Artists.

**Community Reconciliation Plan Project**

The development of a Community Reconciliation Plan is an essential tool for the Shire and will assist in ensuring that the Shires ongoing desire to expand its role in community activation and development of social capital within Newman can occur. This is supported in 'NewmanTomorrow: Resourcing A Home for Generations' Section 6 Community Pride'.

### **Feasibility Study – Medical Consultancy Space Project**

This Feasibility Study is another essential tool for the Shire. Such a study will sustain the Shires commitment to assist with the development of a broader spectrum of health services and promote wellness in the Newman. Refer 'NewmanTomorrow: Resourcing A Home for Generations' Section 4 Full Spectrum Health'.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

Nil

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

To enrich our cultural, social and recreational lifestyles

2.4 Recreational

2.5 Cultural

2.6 Social

2.6.1 Develop and implement a road and footpath network plan to maximise connectivity and which supports a range of transport options

July 2011

How funded – Municipal Funds and funding opportunities

Responsible Directorate – Technical Services

2.6.3 Develop and implement measures to enhance a "Pride in Place" culture/program.

July 2011

How funded – Municipal Funds and funding opportunities

Responsible Directorate – Community Engagement

### **FINANCIAL IMPLICATIONS**

A portion of resource requirements are in accordance with existing budgetary allocation.

Total BHPBIO contribution as follows;

<b>Newman Tomorrow Implementation Projects</b>	<b>\$1 million</b>
<b>Newman Town Centre Revitalisation (NTCRevit.) Projects</b>	<b>\$500,000</b>
<b>Housing Development, Moondoorow Street, Newman Project</b>	<b>\$2 million</b>
<b>Community Reconciliation Plan Project</b>	<b>\$100,000</b>
<b>Feasibility Study – Medical Consultancy Space Project</b>	<b>\$100,000</b>
<b>Total BHPBIO Contribution</b>	<b>\$3.7 million</b>

Details of funding for each project as follows;



**Newman Tomorrow Implementation Projects**

- Project 2 Greening/Activity Trail – Fortescue & Welsh Drs Newman

Stage 1	
Budget Cost (Excl.GST)	\$1,045,000.00
Stage 2	
Budget Cost (Excl.GST)	\$ 924,000.00

Contributing parties	
BHPBIO (requesting)	\$900, 000.00
Shire of East Pilbara (in-kind)	\$90, 000.00

- Project 3 Development of Concept Design – Civic Centre Newman

Total budget Cost (Excl GST)	\$200,000.00
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Contributing parties	
BHPBIO (requesting)	\$100,000.00
Shire of East Pilbara (in-kind)	\$100,000.00

**Newman Town Centre Revitalisation (NTCRevit.) Projects**

- Rubbish Collection

Total budget Cost (excl GST)	\$24,000.00
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Contributing parties	
BHPBIO (requesting)	\$24,000.00

- Additional funds – Recycling

Total budget Cost (excl GST)	\$60,000.00
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Contributing parties	
BHPBIO (requesting)	\$60,000.00

- Streetscape beautification along Mindarra Ave -adjacent The Beach  
(Concept Development, Documentation & Implementation)

Total budget Cost (Excl GST)	\$416,000.00
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Contributing parties	
BHPBIO (requesting)	\$416,000.00

**Housing Development, Moondoorow Ave Newman Project**

Total budget Cost (Excl GST)	\$4,000,000.00
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Contributing parties	
BHPBIO (requesting)	\$2,000,000.00
Shire of East Pilbara & other	\$2,000,000.00

**Community Reconciliation Plan Project**

Total budget Cost (Excl GST) \$120,000.00

Contributing parties

BHPBIO (requesting) \$100,000.00

Shire of East Pilbara (in-kind) \$ 20,000.00

**Feasibility Study – Medical Consultancy Space Project**

Total budget Cost (Excl GST) \$100,000.00

Contributing parties

BHPBIO (requesting) \$100,000.00

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/210**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Sue Owen**

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

**Community Development Program (CDP) Funding Application for;**

**Newman Tomorrow Implementation Projects \$1 million**

**Newman Town Centre Revitalisation (NTCRevit.) Projects \$500,000**

**Housing Development, Moondoorow Ave Newman Project \$2 million**

**Community Reconciliation Plan Project \$100,000**

**Feasibility Study – Medical Consultancy Space Project \$100,000**

**Total Funding Request \$3.7 million**

**CARRIED BY ABSOLUTE MAJORITY**

**RECORD OF VOTE: 6 - 0**

***To be actioned by Ms Gaby Pieraccini, Manager Project Development***

**9.1.6 LANDCORP EAST NEWMAN SUBDIVISION DESIGN GUIDELINES**

**File No:** PLN-8-3-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** EAST NEWMAN SUBDIVISION  
**Name of Applicant:** Halcyon Property on behalf of LandCorp  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider the adoption of LandCorp's Design Guidelines for the East Newman subdivision as a Local Planning Policy.

**BACKGROUND**

The East Newman subdivision, developed by LandCorp, was adopted by Council as a Master Plan forming part of Local Planning Policy No. 1 on 29 May 2009. The Master Plan guides the development by indicating the lot sizes and allocating strategic locations of Public Open Space and grouped dwelling sites. Furthermore, it also makes note about landscaping throughout the subdivision in addition to drainage. The Master Plan guides the development on a macro scale and as an additional requirement; LandCorp developed Design Guidelines in order to guide development of the individual lots, micro scale.

**COMMENTS/OPTIONS/DISCUSSIONS**

The design guidelines is a structured document providing a comprehensive view of the goals of such guidelines. This is done by providing background information on the relationship of the guidelines to other operating statutory documents and requirements, namely Town Planning Scheme No. 4 and the Residential Design Codes (R-Codes). Following the background information is the design guidelines which are broken into three (3) main subjects with multiple elements. They are:

- Climate Responsive Design:
  - Outdoor living;
  - Indoor living;
  - Shading;
  - Ceiling height;
  - Materials & building techniques;
  - Energy management; and
  - Water management.

- Building Form:
  - Appearance & streetscape;
  - Corner lots – secondary street elevation;
  - Roof form;
  - Vehicle access, garages/carports, storerooms & outbuildings;
  - Fencing;
  - Letterboxes; and
  - Servicing.
- Landscaping:
  - Overview;
  - Residential;
  - Xeriscaping;
  - Shading;
  - Water Efficiency;
  - Best Practice;
  - Suggested species;
  - Maintenance.

In addition to the above mentioned the guidelines also cover topics relating to cottage lots and grouped dwelling sites as depicted on the Master Plan.

The ultimate purpose of the design guidelines is to create a unified approach to building within the East Newman subdivision to ensure that the housing stock produced in this area is adaptive to the arid Pilbara climate and to reduce the requirement and usage of non-renewable energy. Additionally, the guidelines aim to create a highly liveable area by way of streetscape and aesthetic design of houses.

Given that the majority of the East Newman subdivision is for single residential, there is no requirement for the obtaining of Planning Approval to commence the development of a single dwelling. Therefore, if Council was to consider adopting the guidelines, it would require the additional workload to be borne by Shire staff to ensure that the wishes of the developer are met. This would result in the delayed processing of Building License applications because the application would need to be referred to Planning for assessment of the guidelines.

At present, the current system is that the plans of the proposed dwellings are submitted to LandCorp's representative for guideline compliance before being submitted to the Shire for Building approval.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

The majority of the lots depicted on the Master Plan are restricted to single dwellings, and as such, are exempt from having to obtain Planning Approval under Town Planning Scheme No. 4. The only requirement to obtain Planning Approval from Council is for the development of grouped dwelling sites and where single dwellings propose variations to the R-Codes which require the discretion of the Council.

## **POLICY IMPLICATIONS**

Local Planning Policy No. 1 – East Newman Master Plan is the overall guiding document for the East Newman subdivision. As mentioned previously, it indicates the lot layout, grouped dwelling sites and open space. In addition, to landscaping and

drainage, Council has adopted such Master Plan in order to ensure that development allows for a certain standard of single and grouped dwelling developments.

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

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

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/211**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Stephen Kiernan**

**THAT Council advise Halcyon Property that it does not wish to adopt the East Newman Design Guidelines as a Local Planning Policy as there is no requirement under Town Planning Scheme No. 4 for Planning Approval to be granted for Single Dwellings. Additionally, adoption of the Guidelines by Council would result in an increased workload for Shire staff which would result in the delayed issue of Building Approvals.**

**CARRIED**

**RECORD OF VOTE: 6 - 0**

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

### 9.1.7 NEWMAN LIA STAGE 3 SUBDIVISION

**File No:** PLN-8-3-2  
**Attachments:** [Newman LIA Stage 3 Subdivision.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Senior Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

For Council to accept a Management Order over Lot 509 for drainage and public utilities.

### BACKGROUND

As part of the proposed Newman LIA Stage 3 subdivision (Lot 9001), Landcorp has an in principal approval from the Department of Regional Development and Lands (RDL) to subdivide a portion of adjoining Crown Land being existing Lot 505. This is proposed to be subdivided for the purpose of facilitating traffic flow through the subdivision.

As a part of this subdivision a Drainage Reserve and a Public Utilities Reserve will also be created which will be known as Lot 509. Please see the **attached** preliminary deposited plan for your reference. In order for this to proceed, RDL has requested a formal Council Resolution to accept a Management Order over Lot 509 for Drainage and Public Utilities.

### COMMENTS/OPTIONS/DISCUSSIONS

As this matter is urgent, Landcorp sought an in principle agreement from the Shire accepting this Management Order prior to getting the formal Council Resolution. This in principle agreement was provided by way of a letter dated 8 February 2012. Please see **attached** a copy of the letter for your reference.

We have been advised by Landcorp that Native Title has not been extinguished over this portion of the land therefore; they have not been able to create an easement. It is recommended that Council accept the Management Order over Lot 509 to allow works on the Newman LIA subdivision to continue.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Area to be vested in Council for the purposes of a Drainage and Public Utilities Reserve.

**POLICY IMPLICATIONS**

Nil.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

- 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land  
Ongoing – Lobbying/Advocacy role  
How funded – Municipal Funds  
Responsible Directorate – Executive and Development and Regulatory Services

**FINANCIAL IMPLICATIONS**

At this stage there are no financial implications for Council however, there may be some maintenance costs in the future.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/212**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Craig Hoyer**

**THAT Council inform Landcorp that:**

1. It will accept a Management Order over Lot 509 for Drainage and Public Utilities; and
2. The Department of Regional Development and Lands undertake all necessary procedures to resolve any issues pertaining to Native Title.

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

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

**9.1.8 APPLICATION FOR PLANNING APPROVAL FOR 8 MULTIPLE  
DWELLINGS - 7 KNOX WAY, NEWMAN**

**File No:** A435272 - P543/12  
**Attachments:** [7 Knox Way.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** 7 Knox Way, Newman  
**Name of Applicant:** The Pilbara Strata Unit Trust  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for a proposed eight (8) Multiple Dwelling development at 7 Knox Way, Newman. The proposal is located outside of the identified Interim Residential Development Policy area and therefore can not be dealt with under delegation.

**BACKGROUND**

The subject property is zoned Residential under Town Planning Scheme No. 4 and as per the Scheme, has a split coding of R15/40. The lower coding applies unless it is determined that a proposal for the higher coding is in accordance with Council's Residential Development Policy.

The proposal is for eight (8) single bedroom units in addition to individual store rooms for each unit and communal bin store. The units range in size from 44m<sup>2</sup> to 59m<sup>2</sup>.

**COMMENTS/OPTIONS/DISCUSSIONS**

Council's Interim Residential Policy requires that if development is to be considered at the higher coding, the proposal needs to contribute positively towards the amenity of the street with particular regards to the following:

- Enhancement of existing streetscape;
- High quality of built form;
- Passive surveillance of the public realm being both streets and open spaces; and
- Integration with adjoining developments at the base density code.

Additionally, the intention of the policy was to designate areas by way of map indicating those areas permitted to further develop to the higher density code. Knox way is not included such designated areas, however, Council has previously approved applications of this nature. Primarily, the waiver has been granted on the grounds that there is a severe shortage of housing and housing styles throughout Newman and approving alternative developments both within and outside the policy area will alleviate some pressure.

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In relation to the proposed development, it has been assessed and is determined as meeting the before mentioned criteria by contributing positively towards the streetscape and providing a high quality of built form. It also provides good surveillance in accordance with the Residential Design Codes (R-Codes) and has no adverse impacts on neighbouring properties.

During the initial assessment of the proposal, it was found that it did not comply with three (3) aspects of the R-Codes, which were surveillance, fencing on the front boundary and provision of communal clothes drying. Through consultation with the applicants designer, these issues were addressed and amended plans received. The proposal will be at a density of 0.6 which is the permitted density of the R-40 coding for Multiple Dwellings. Furthermore, it complies with all other aspects including parking, open space and provision of stores to each unit. It should be noted that the provided stores are proposed on the boundary and is not perceived as an issue as they are not retained and will form part of the boundary fencing. Additionally, the applicant has provided parking in accordance with the R-Codes.

The existing dwelling and outbuilding is proposed to be demolished.

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

The applicant has a right of review to the State Administrative Tribunal should they be aggrieved by Council's decision or any part of such decision.

#### **POLICY IMPLICATIONS**

Interim Residential Development Policy

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

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

Supporting Opportunities that Encourage Growth and Diversity

##### **1.6 Planning for Land**

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

#### **FINANCIAL IMPLICATIONS**

No financial resource impact.

#### **VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/213**

**MOVED: Cr Sue Owen**

**SECONDED: Cr Stephen Kiernan**

**THAT Council grant Planning Approval to the proposed eight (8) unit Multiple Dwelling development at 7 Knox Way, Newman subject to the following conditions:**

- 1. All building works to comply with the legislative requirements;**
- 2. The applicant shall submit prior to or in conjunction with the Building Licence a Landscaping Plan for the internal areas of the subject property in addition to the road verge in accordance with Council's policy relating to "Development of Road Verges in Residential Areas", and such plan being approved by the Manager Development Services – Planning. The landscaping for both the internal and verge areas proposed in such Landscaping Plan shall be fully installed and completed prior to occupancy and satisfactorily maintained thereafter;**
- 3. No fencing to be installed along the front boundary other than that fencing indicated on the approved plans for the purpose of screening the private open space of Unit 1. Any fencing forward of the building line on either side boundary is to be reduced to 750mm in height.**
- 4. Prior to the commencement of the development, details of the proposed colours and textures of the dwellings shall be submitted and approved by the Manager Development Services – Planning;**
- 5. The proposed crossover being constructed and installed in accordance with the specifications of Council's crossover policy and to the satisfaction of the Shire of East Pilbara;**
- 6. Car parking shall be in accordance with the approved plans and such parking areas being paved, drained and line marked to the satisfaction of the Shire of East Pilbara;**
- 7. All parking bays shall be of a dimension as stipulated by the Residential Design Codes being not less than that required by AS2890.3.**

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

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

**9.1.9 PROPOSED 132 ROOM ADDITION AND CAR PARKING - NEWMAN  
HOTEL/MOTEL NEWMAN DRIVE**

**File No:** A409720

**Attachments:** [LOT 1401 TROTMAN AVE, NEWMAN STAGE 3.PDF](#)  
[Council Brief Newman Hotel - stage 3.pdf](#)

**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer

**Author:** Mr Adam Majid  
Manager Development Services - Planning

**Location/Address:** Lots 1401, 1642, 581 & 10 Newman Drive,  
Newman

**Name of Applicant:** Marcus Gilmore

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

Council's consideration is required for a proposed 132 room addition to the Newman Hotel/Motel and the development of car parking on Reserved land.

**BACKGROUND**

During 2011, Council granted approval for the development of 88 additional rooms in addition to 8 staff accommodation rooms. The staff rooms are now complete and construction of the 88 rooms is expected to be completed by the end of March of this year. It is noted that there has been some concern over the appearance of the 88 rooms however, the applicant has now commenced the external cladding and images were distributed indicating this previously by senior staff.

As the construction nears completion of the before mentioned rooms, the applicant now seeks approval for a further 132 rooms to be constructed in a similar manner as the previous application. The proposal is for 11 lots of two story (stacked) accommodation buildings incorporating disabled access rooms and is to be finished with cladding of the same nature as being applied to the previously approved buildings. All rooms are single bedroom units with ensuite. In total, it is proposed that the Newman Hotel/Motel will have 288 rooms.

The application also includes the development of car parking on a Reserve, being Lot 1642 which is currently designated for the purposes of Recreation. This reserve is currently the subject of purchase by the applicant from the Crown which was supported by Council in July 2009. In total, the Newman Hotel/Motel currently has 156 car bays on site, and the proposal is to increase the total number to 292 as detailed in the applicants submission. In respect of the accommodation, the applicant has provided sufficient parking to the site.

Furthermore to the aspect of the Reserved land, it is noted that Lot 10 is also zoned Reserve for Recreation although owned privately by the Newman Hotel/Motel. This is an anomaly that would need to be rectified by rezoning and is suggested to be undertaken at the same time the applicant deals with the Reserve Lot 1642. Furthermore, in regards to Lot 1642, the applicant, once finally securing such lot in freehold, will need to amalgamate such lot into existing land parcels, it is also suggested that this be done for the entire site.

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

While it is perceived that the proposed accommodation and supplied car parking is deemed sufficient in accordance with the Town Planning Scheme and Policy, there is concern as to the nature of the accommodation and uncertainty as to the expected availability of accommodation for tourist accommodation. It would be prudent for Council to stipulate a minimum requirement of the site to be set aside for tourist accommodation.

The issue of tenure and appropriate zoning of land is also a matter for the applicant to resolve and should Council choose to, conditions requiring such to be actioned and completed can be imposed as a condition. Such a process would involve the formal amendment to the Town Planning Scheme map.

As mentioned previously, there was some concern over the appearance of the accommodation currently being constructed and installed. This however has been resolved by the commencement of cladding such structures as represented by the applicant's submission.

The applicant will need to prepare an overall landscaping plan in order to show how the car parking areas will be landscaped in addition to those areas around the accommodation units. It is suggested that this be part of conditional approval prior to the commencement of construction.

Generally, the proposal complies with regards to parking and lot layout. It is recommended that Council approve the application subject to conditions.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

Local Planning Policy No. 4 – Vehicle Parking Standards

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

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

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

Ongoing – Lobbying/Advocacy role  
Responsible Directorate – Executive and Development and Regulatory Services

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple

12:19 PM *Cr Sue Owen left Chambers.*

12:20 PM *Cr Sue Owen returned to the Chambers*

## **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/214**

**MOVED:** Cr Stephen Kiernan

**SECONDED:** Cr Sue Owen

**THAT Council approves the proposed 132 room addition and associated car parking at Lots 1401, 1642, 581 & 10 Newman Drive, Newman subject to the following conditions:**

1. Within 12 months from the date of this approval, the applicant shall submit to Council a Town Planning Scheme Amendment for the purposes of Rezoning Lots 1642 and Lot 10 Newman Drive from Reserve for Recreation to Town Centre and amend the Scheme Map accordingly;
2. Prior to construction, the applicant shall provide to Council evidence that the transaction of Reserved Lot 1642 has been completed and such land being held in tenure by the applicant as freehold. Should the land transaction fail for whatever reason, this approval will become invalid;
3. Prior to construction, the applicant shall submit a Traffic and Car Parking Management Plan to ensure the safe ingress and egress of all vehicles to the site in addition to the internal traffic flow(s) and such plan being approved by the Manager Development Services - Planning;
4. Prior to construction, the applicant shall submit a Landscaping Plan in accordance with Council's Policy to the satisfaction of the Manager Development Services – Planning;
5. Prior to construction, the applicant shall submit a Tourism Accommodation Management Plan to the satisfaction of the Manager Development Services – Planning. Such plan shall dictate a combination of rooms up to a total of 25% of the total proposed onsite rooms to be used for Tourism Accommodation at all times. The plan may provide instances where such Tourism Accommodation units may be used as Short Term Accommodation overflow but shall be restricted to an occupancy period of not more than seven (7) days;
6. All proposed accommodation buildings shall have applied an external treatment of an aesthetically appealing nature and details of such treatment, including colours and textures, shall be submitted prior to construction to the satisfaction of the Manager Development Services – Planning;

7. All car parking areas shall be constructed, sealed, kerbed and line marked prior to occupancy to the satisfaction of the Shire of East Pilbara Technical Services;
8. The design and layout of the proposed accommodation building(s) shall be in accordance with the approved plans;
9. All buildings works are to comply with all legislative requirements.

**CARRIED**  
**RECORD OF VOTE: 5 - 1**

Cr Darren Bennetts requested to be recorded against the motion.

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

**9.1.10 PROPOSED ROAD CLOSURE OF ROAD BOUND BY LOTS 1, 2 & 1315  
NEWMAN DRIVE AND LOT 1346 MACKAY STREET, NEWMAN**

**File No:** A701219  
**Attachments:** [Newman FIFO Road Closure - TPG.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lots 1, 2 & 1315 Newman Drive and Lot 1316  
Mackay Street  
**Name of Applicant:** TPG Town Planning & Urban Design  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider their final support of the proposed closure of the subject road.

**BACKGROUND**

Council resolved at the ordinary meeting held on 16 December 2011 to initiate the closure of the subject road reserve by advertising such road reserve in accordance with Section 58 of the Land Administration Act 1997.

Additionally, the Western Australian Planning Commission has approved the amalgamation of Lots 1, 2 and 1315 Newman Drive and Lot 1316 Mackay Street. This process was done in order to facilitate the redevelopment of BHP Billiton's residential quarters which was approved by the Development Assessment Panel on 1 February 2012. Closure of the road will facilitate the redevelopment of the site.

The area of road reserve proposed to be closed is 3393m<sup>2</sup> in size and currently serves no purpose to Council and/or the public. It is primarily used as a means of access to the current site developments.

**COMMENTS/OPTIONS/DISCUSSIONS**

As required under Section 58 of the Land Administration Act 1997, the proposed closure was advertised for a period of not less than 35 which commenced on 21 December 2011 and concluded on 1 February 2012. During this time, only one (1) submission was received from Water Corporation which advised as follows:

*"The Water Corporation has no objection to the proposed road closure.*

*There is however a 150VC sewer main and a 100AC Water main in the vicinity that may be affected, depending on the subdivision / amalgamation and the development outcome with the proposed boundaries these services will need to be protected or relocated. There is concern with the water mains locations on the "subject site" as these pressure services are normally located in road reserves, pedestrian access-*

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*ways or dedicated reserves to eliminate damage to buildings and their footings in the event of a burst."*

The applicant has provided the following response with regards to Water Corporation's comments:

*"The site is surrounded by Authority water mains and currently served by three independent water mains. The amalgamation will make these water mains redundant and only one of two new metre sets will be provided to the site, depending on the final agreement with the Water Corporation.*

*There is no Authority stormwater infrastructure available to the site. All stormwater runoff from the site will be taken by overland flood ways shown on the Architectural Plans, which then flow south towards the existing town drains to the south of the site. Given there is no change in the site area and the surface area/soil type is impermeable anyway, there will be no change in pre or post development flows. The proposed development does not provide box or eaves gutters, all buildings have been architecturally designed to allow rain water to sheet off the building into landscaped drains and then the civil overland drainage system.*

*The current site has a live Water Corporation Sewer main running through the site. The sewer line is entering on the western boundary and leaving the site on the eastern boundary. After the amalgamation process all internal sewer mains will be taken over as private sewer and the mains Water Corporation Sewer will be diverted along Fortescue Avenue."*

Ultimately, it is the intent of the applicant/owner that when the site is redeveloped, all services will be rationalised including the realignment of the Sewer mains around the property as opposed to it running through the property. The applicant/owner is aware that consultation is and will be required with the Water Corporation in relation to such services and this will be done as part of the site redevelopment.

Closure of the road will not affect any Council services or public access as there are no other property owners who use such road.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

Nil

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

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

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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



Ongoing – Lobbying/Advocacy role  
How funded – Municipal Funds  
Responsible Directorate – Executive and Development and Regulatory Services

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/215**

**MOVED: Cr Craig Hoyer**

**SECONDED: Cr Kevin Danks**

**THAT Council:**

- 1. Requests the Minister to permanently close the portion of road reserve bound by Lots 1, 2 and 1315 Newman Drive and Lot 1316 Mackay Street in accordance with section 58 of the Land Administration Act 1997; and**
- 2. Advises the applicant accordingly of its decision.**

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

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

Town or District	Number of Lots or Location	Field Book	Scale	Certificate in which Land is Vested	Area
NEWMAN	LOTS 1313 & 1314		1:1500	Vol 1553 1999 Fol 900 996	

DEPTH LIMIT 12.19 METRES

NEWMAN DRIVE

STRATA FLAT ROAD

DIA ROAD

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**9.1.11 PROPOSED TEMPORARY WORKERS & CONSTRUCTION CAMP - LOTS  
500 & 501 LES TUTT DRIVE, NEWMAN**

**File No:** A700807 & A700307  
**Attachments:** [Les Tutt Temporary Camp.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lots 500 & 501 Les Tutt Drive  
**Name of Applicant:** NicheQ  
**Author Disclosure of Interest:** Nil

*An Interest was declared by Mr Allen Cooper for Item No. 9.1.11*

*Nature of Interest: Resident of Street*

*Extent of Interest: Submitted a comment on the proposal.*

*12:26 PM Mr Allen Cooper left Chambers.*

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**REPORT PURPOSE**

For council to consider an application for a proposed Temporary Workers Camp at Lots 500 and 501 Les Tutt Drive.

**BACKGROUND**

With the headworks for the “Kurra at Newman” development nearing completion, contracts for the construction of housing are being prepared with applications set to be submitted to the Shire in the coming months. NicheQ has secured a number of lots within the development and are expecting to construct approximately 100 dwellings. Unfortunately, and as with nearly all private projects in Newman, NicheQ are unable to obtain suitable accommodation to house construction staff and have proposed to set up a Temporary Camp on lands within the Kurra at Newman development. Additionally, it is also proposed to use an adjoining lot as a storage yard.

The applicant has requested that the camp be allowed to operate for a period of up to nine (9) months while construction is undertaken on the dwellings. The applicant has also advised that the maximum number of persons to occupy the camp at any one time will be 16 persons. Additionally, the camp proposes to have on site the following:

- Four (4) accommodation buildings each consisting of 4 individual rooms with ensuite;
- Kitchen/Dining building;
- Laundry building;
- Site Office;
- Emergency muster point;
- Small recreation yard; and
- Two (2) storage units.

All buildings are similar to those types of buildings currently used and installed on mine sites.

The proposal was viewed as a use not listed under Town Planning Scheme No. 4 (the Scheme) and was therefore subject to advertising in accordance with Clause 9.4 of the Scheme. The application was advertised to all residential premises on Kurra Street, totalling 34, of which 3 responded. Details of the responses are as follows:

<b>Submission No.</b>	<b>Comment</b>	<b>Officer Comment</b>
1.	Object. (No other comments were attached to this response)	Noted.
2.	Strongly Object due to expected increase in traffic, dust and speeding.	Noted, however, with the headwork's near completion, and the construction of houses, this will eventually reduce the amount of dust leaving the site.
3.	<ol style="list-style-type: none"><li>1. Accommodation should be placed further from residential premises – Storage area should closer to Kurra street rather than accommodation closest to Kurra Street;</li><li>2. Where do residents go to report unacceptable behaviour when the camp residents go between the site and the nearby Tavern?</li><li>3. How will the litter be controlled?</li><li>4. Rubbish collection will need to increase to the site by the Shire.</li></ol>	<ol style="list-style-type: none"><li>1. Noted. Applicant has been asked to consider this and has agreed.</li><li>2. If supported, the approval would stipulate that a management plan be implemented with contact details.</li><li>3. It is proposed to require the applicant to prepare a management plan to control the site.</li><li>4. Noted.</li></ol>

With regards to the comments received in the submissions, it is perceived that all the issues could be managed by way of a management plan should Council choose to consider the application favourably. Such management plan could be used to control noise, rubbish, traffic movements, visitors and dealing with complaints.

In relation to the configuration of the proposed camp and storage yard. At present, the Camp is proposed on Lot 500 which is the corner of Kurra Street and Les Tutt Drive and the storage area proposed on adjoining Lot 501 Les Tutt Drive. As suggested in one of the submissions, the applicant was advised to reconsider such arrangement and has agreed that if approved, the accommodation will be moved to Lot 501 therefore resulting in the storage being closest to the residential premises therefore creating a buffer to a certain extent.

With regards to servicing the accommodation, being water, power and sewer, It is proposed that the accommodation units will be connected to such services via the

main reticulation ducts. The applicant would be required to liaise with the Water Corporation and BHP Power on these matters.

**COMMENTS/OPTIONS/DISCUSSIONS**

The inherent nature of development within Newman is that there is insufficient housing to cater for workers who are not associated with mine site development(s). Therefore, alternative arrangements need to be sought in order that projects which are not mine related are able to be undertaken in timely and cost effective manners.

Although temporary camps are not ideal, pressures dictate that there are very few alternatives. It is perceived that a temporary camp can be adequately controlled by way of management plans and close observations. It is a positive that proposals like these are located nearby to other residents as it entails a degree of scrutinisation which aids the control and management of such proposed camps.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

Nil

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/216**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Sue Owen**

**THAT Council approves the proposed Temporary Workers Accommodation and Storage Yard at Lots 500 and 501 Les Tutt Drive, Newman subject to the following conditions:**

- 1. The arrangement of such camps be amended where by the Temporary Accommodation shall be located on Lot 501 and the Storage Yard on Lot 500;**
- 2. Approval is for a period of not more than nine (9) months from the date on which the buildings are fit for habitation and use. At the end of such period all buildings are to be removed and the site repaired to its former state;**
- 3. The applicant is to advise Shire Building, Health and Planning staff once the buildings are deemed habitable by the applicant for inspection prior to the occupation of such buildings;**

4. The proposed Accommodation and Storage Yard shall be appropriately fenced and screened from view from all public spaces and nearby residents;
5. The applicant shall prepare, submit and implement a Management Plan to the Satisfaction of the Manager Development Services – Planning prior to the occupation of the proposed buildings and such plan shall include but not be limited to:
  - a. Management;
  - b. Education – occupants advised of the sensitive nature of such camp;
  - c. Noise;
  - d. Rubbish;
  - e. Visitors;
  - f. Vehicles; and
  - g. Dealing with complaints.
6. Accommodation is limited to a maximum of sixteen (16) persons at any one time;
7. The accommodation is for the exclusive use of workers within the construction workforce as appointed by the applicant. No other occupants will be permitted; and
8. All building works shall comply with all legislative requirements.

CARRIED  
RECORD OF VOTE: 6 - 0

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

**9.1.12 PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE - LOTS 4  
& 5 COOKE STREET, NULLAGINE**

**File No:** A300120  
**Attachments:** [Lots 4-6 Cooke Street Nullagine - Proposed Road Closure.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lots 4 and 5 Cooke Street, Nullagine  
**Name of Applicant:** Urban & Rural Perspectives - Steve Pandevski  
**Author Disclosure of Interest:** Nil

12:27 PM Mr Allen Cooper returned to the Chambers  
An Interest was declared by Cr Darren Bennetts for Item No. 9.1.12  
Nature of Interest: Direct Interest  
Extent of Interest: Director of Company that has a direct interest  
12:28 PM Cr Darren Bennetts left Chambers.

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**REPORT PURPOSE**

Council's consideration is required to initiate the closure of an unconstructed road reserve which runs between Lots 4 and 5 Cooke Street, Nullagine.

**BACKGROUND**

The applicant has submitted a development application which covers Lots 4, 5 and 6 Cooke Street, Nullagine. The proposal is for the development of three (3) two story buildings for use as warehouse/office space and/or other forms of commercial purposes. However, due to the unconstructed road reserve existing between the boundaries of subject Lots 4 and 5, development can not proceed until such time that the road is closed and eventually amalgamated into the subject land. For this to happen, the Shire is required to carry out the requirements as required by Section 58 of the Land Administration Act 1997.

The area of the subject road reserve is 91m<sup>2</sup>.

**COMMENTS/OPTIONS/DISCUSSIONS**

On review of the subject road reserve, from a planning perspective, it serves no purpose to the subject lots and any other lot(s) surrounding. Additionally, there is a road reserve that runs at the rear of those lots fronting Cooke Street which still allows for all of the subject lots to have rear access to a road reserve if in the event it is required. However, this is not anticipated as being the case. Additionally, the subject road reserve is not a suitable size (width) to ever be formed as a road.

If Council is to support the initiation of the closure, then the proposal will be required to be advertised for a period of not less than 35 days in a newspaper circulating

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within the district, in addition to notices being sent to relevant service agencies to gauge if such proposal will affect any services within the vicinity.

Closure of the road will facilitate the development of new premises from which local business could operate and/or introduce new business to the Nullagine locality.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Land Administration Act 1997 – Section 58.

### **POLICY IMPLICATIONS**

Nil

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

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

Supporting Opportunities that Encourage Growth and Diversity

#### **1.6 Planning for Land**

- 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land
  - Ongoing – Lobbying/Advocacy role
  - How funded – Municipal Funds
  - Responsible Directorate – Executive and Development and Regulatory Services

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple

### **OFFICER'S RECOMMENDATION**

**THAT Council resolves to:**

- 1. Initiate the closure of the unconstructed Road Reserve between Lots 4 and 5 Cooke Street, Nullagine 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/agent accordingly.**

#### **Reason for Non Acceptance of Officer's Recommendation:**

Due to lack of a quorum the matter could not be considered and passed over to the next meeting of Council..

***To be actioned by Manager Development Services - Planning***

**9.1.13 REQUEST TO CLOSE RIGHT OF WAY - REAR OF LOTS 11 & 12 COOKE STREET, NULLAGINE**

**File No:** A300140/A475120  
**Attachments:** [ROW Closure - Nullagine.pdf](#)  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Adam Majid  
Manager Development Services - Planning  
**Location/Address:** Lots 11 & 12 Cooke Street, Nullagine  
**Name of Applicant:** Ms Kerry Edwards  
**Author Disclosure of Interest:** Nil

*An Interest was declared by Cr Darren Bennetts for Item No. 9.1.13*

*Nature of Interest: Director of Company that owns blocks of land adjacent to these blocks of land.*

*Extent of Interest: In Direct*

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**REPORT PURPOSE**

For Council to consider initiating a request for the closure of a Right of Way (R.O.W) at the rear of Lots 11 and 12 Cooke Street, Nullagine.

**BACKGROUND**

The applicant has made a request to have a portion of the R.O.W at the rear of Lots 11 and 12 Cooke Street closed in order to facilitate a proposed expansion of their accommodation development. Part of the applicants plan is to purchase from the Crown an area of Unallocated Crown Land known as Lot 249 (refer to attachment) and have this land amalgamated, including the portion of the R.O.W into a single lot in order to facilitate further development.

The applicant has advised that an offer has been made to the Department of Regional Development and Lands for the purchase of the subject lands. However, these purchases cannot proceed until such time that the local government has supported such closure and advertised it accordingly.

**COMMENTS/OPTIONS/DISCUSSIONS**

The local government is required to advertise all requests for the closure of a R.O.W in order to ascertain whether or not it will affect other uses of such R.O.W and if there are any services located within such R.O.W. On preliminary investigation, it would appear that a closure of the subject portion of the R.O.W would not affect any other lots along Cooke Street as there is a connection into the same R.O.W from Walters street. However, it is uncertain as to whether or not there are any services within the subject portion.

If Council resolves to initiate a closure of portion of the R.O.W it will be advertised for a period of not less than 30 days in accordance with the Department of Regional Development and Lands requirements.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Land Administration Act 1997.

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

**1.6 Planning for Land**

- 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land
  - Ongoing – Lobbying/Advocacy role
  - How funded – Municipal Funds
  - Responsible Directorate – Executive and Development and Regulatory Services

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council:**

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

**Reason for Non Acceptance of Officer's Recommendation:**

Due to lack of a quorum the matter could not be considered and passed over to the next meeting of Council..

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

W & K EDWARDS

25/01/12

PO BOX 8

NULLAGINE 6758

Phone 91762099 ABN 91 430 619 437

Dear Sir/Madam,

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

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

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

Yours sincerely

Kerry and William Edwards  
NULLAGINE



**9.1.14 APPLICATION TO KEEP THREE DOGS - PETER REDMAN, 27 WARMAN AVENUE. NEWMAN**

**File No:** RNG-1-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Andrew Norris  
Coordinator Ranger and Emergency Services  
**Location/Address:** 27 Warman Ave, Newman  
**Name of Applicant:** Mr Peter Redman  
**Author Disclosure of Interest:** Nil

12:30 PM Cr Darren Bennetts returned to the Chambers

---

**REPORT PURPOSE**

To consider an application to keep more than two (2) dogs at 27 Warman Avenue, Newman.

**BACKGROUND**

Mr Peter Redman has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs at 27 Warman Avenue, Newman.

The reason cited on the application is “company for other dogs.

The details of the dogs are as follows:

<b>DOG (breed)</b>	<b>SEX</b>	<b>COLOUR</b>	<b>REGISTRATION NUMBER</b>	<b>STERILISED Y/N</b>
1. Miniature Fox Terrier	Female	Black & Tan	B20303	Yes
2. Staffordshire Cross Jack Russell	Female	Brindle	B20304	Yes
3. Keplie X Shepherd	Female		B20305	Yes

**COMMENTS/OPTIONS/DISCUSSIONS**

A Shire Ranger inspected the property at 27 Warman Avenue, Newman and has found the fencing to meet the requirements capable of confining the dogs to the property.

As part of the application process, surrounding neighbours were surveyed. There were three responses in the affirmative. One written response supporting the application was received. No response was received from a public notice that was displayed on Shire Notice Boards within Newman.

The dogs have no known offences, nor does the applicant.  
All the dogs are registered

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Dog Act 1976 (as amended) Section 26  
Shire of East Pilbara Dogs Local Law (2000) clause 3.2.2

The Dog Act 1976 allows the local government to control the number of dogs by local laws. The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises situated in a townsite.

Section 26(3) of the Dog Act 1976 states:

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.

Section 26(5) of the Dog Act 1976 allows for an aggrieved applicant to appeal to the Minister of Local Government if the application is unsuccessful or to vary the conditions set by the local government.

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

Nil

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/217

MOVED: Cr Stephen Kiernan

SECONDED: Cr Sue Owen

THAT Council approves the application to keep three dogs at 27 Warman Avenue from Mr Peter Redman. Subject to the standard conditions attached to such approval.

CARRIED  
RECORD OF VOTE: 6 - 0

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



**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

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

**File No:** CLR 4-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Sheryl Pobrica  
Executive Services Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

---

**REPORT PURPOSE**

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

**BACKGROUND**

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

**COMMENTS/OPTIONS/DISCUSSIONS**

That status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*  
*Section 2.7*  
*The role of the council*

*(1) The council –*

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

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

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

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 3 - Community Leadership**

To Provide Sound Leadership and Strong Representation

**3.2 Improve Community Engagement**

- 3.2.1 Encourage community participation in the decision making processes undertaken by the Shire**  
Continuing role  
How funded – Municipal Funds  
Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/218**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Sue Owen**

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

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

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
11 March 2011	13.2	<p>PIPUNYA PROPERTY</p> <p>Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.	Department of Commerce is having a meeting 13 <sup>th</sup> March 2012 in Marble Bar
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Being Advertised – Submissions by 28 <sup>th</sup> November 2011	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	11.2.2	DRAFT MULTICULTURAL RECOGNITION REPORT	DCEO	Being Developed	April 2012
16 December 2011	9.2.2	ENDORSEMENT OF THE MULTICULTURAL RECOGNITION REPORT FOR FURTHER DEVELOPMENT			
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS</p> <p>Cr Sue Owen said the tennis courts are unplayable due to the surface cracked. Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW		Estimates being presented for 2012/2013 budget

### 9.2.2 AFFIXING COMMON SEAL – WATER CORPORATION

**File No:** A701309  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** Lot 2295 Marillana Street  
**Name of Applicant:** Nil  
**Author Disclosure of Interest:** Nil

---

### REPORT PURPOSE

To inform Council that the Acting Chief Executive Officer applied the common seal of the Shire of East Pilbara to a Customer Funded Works Agreement with Water Corporation.

### BACKGROUND

Council is currently building five houses on Lot 2295 Marillana Street which are being connected to services

### COMMENTS/OPTIONS/DISCUSSIONS

The Customer Funded Works Agreement allows for the WC for the sewer extension along Marillana Street.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

### POLICY IMPLICATIONS

**Delegation From:** Council

**Delegation To:** Chief Executive Officer

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

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

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

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

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

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

### **Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law.

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Date of Delegation \_\_\_\_\_  
Delegator (Shire President) \_\_\_\_\_

## **EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27th June 2003**

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

### **Objective**

To allow for the proper execution of documents.

### **Policy**

Council's Policy Manual 27 June 2004 on page 78

### **Execution of Documents**

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

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

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

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/219

MOVED: Cr Kevin Danks

SECONDED: Cr Darren Bennetts

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Customer Funded Works Agreement with the Water Corporation.

CARRIED  
RECORD OF VOTE: 6 - 0

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

### 9.2.3 MOBILE DENTAL SERVICE

**File No:** A700758  
**Attachments:** [SLS Letter.pdf](#)  
[Dental Clinic Overview.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

---

### REPORT PURPOSE

To seek Council's approval to temporarily allow a Mobile Dental Clinic to be located on Reserve 41654 Newman Drive - EPIS block.

### BACKGROUND

Newman has had trouble engaging and retaining a private dental service for many years.

### COMMENTS/OPTIONS/DISCUSSIONS

Dr Harry Craven and Dr Peter Craven have approached Council through the Health Advisory Group requesting a suitable site to locate their Mobile Dental Clinic. The Health Advisory Group suggested Reserve 41654 Newman Drive – EPIS Block. A letter was written to State Land Services asking if they had any objections to this proposal. A letter was received on the 29 February stating that State Land Services had no objection to the proposal subject to a section 91 Licence under the Land Administration Act 1997 being entered into.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

### POLICY IMPLICATIONS

Nil

### PLAN FOR FUTURE OF THE DISTRICT

#### Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role  
How funded – Municipal Funds  
Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

A cost of \$207.00 will be incurred as a documentation preparation fee.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/220**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Darren Bennetts**

**THAT Council**

- 1. Approve to temporarily allow a Dental Mobile Clinic to be located on Reserve 41654 Newman Drive – EPIS Block**
- 2. Endorse the signing of a section 91 Licence for this purpose.**

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

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





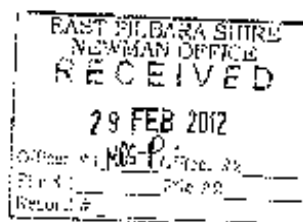
Government of Western Australia  
Department of Regional Development and Lands  
State Land Services

Your ref: 2112-1997/2 Job No: 170405  
Our ref: 2112-1997/2 Job No: 170405  
Enquiries: Mark Kift Tel: (08) 6552 4825  
Fax: (08) 6552 441E  
Email: mark.kift@rdlwa.gov.au

Chief Executive Officer  
Shire of East Pilbara  
PMB 22  
NEWMAN WA 6753

Attention: Adam Majid

Dear Adam



**REQUEST TO TEMPORARILY ALLOW MOBILE DENTAL CLINIC ON  
RESERVE 41654 BEING LOT 511 ON DP66718, NEWMAN – SHIRE OF EAST  
PILBARA**

I refer to your emails dated 22 & 23 February 2012 regarding the above.

The Department of Regional Development and Lands offers no objection to the proposal in principle for a period up to 12 months and subject to a section 91 Licence under the *Land Administration Act 1997* for the purpose of "Temporary Dental Clinic".

Enclosed is a section 91 Licence for your perusal.

Could you please advise whether you agree to the terms and conditions of the licence as well as provide a sketch of the intended site location within Reserve 41654.

A formal licence will be supplied and a request for the \$100 licence fee and \$107 document preparation fee, once agreement from Council has been received.

A copy of Smartplan is also enclosed for your information.

Should you have any enquiries about this matter, please do not hesitate to contact me.

Yours faithfully

**MARK KIFT**  
for **MANAGER PILBARA**  
**STATE LAND SERVICES**

23 February 2012

Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1143, West Perth Western Australia 6007  
Telephone: (08) 6552 4400 Facsimile: (08) 6552 4417 TTY: 1800 735 784 (Country only)  
Email: [info@rdl.wa.gov.au](mailto:info@rdl.wa.gov.au) Website: [www.dl.wa.gov.au](http://www.dl.wa.gov.au)  
ABN: 78 607 221 246

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4/12/12

#### 9.2.4 AUDIT COMMITTEE REPORT

**File No:** FIN-21-1  
**Attachments:** [AuditCommMn010312.doc](#)  
**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 consider the recommendations of the Audit Committee.

#### BACKGROUND

The Audit Committee met on the 1<sup>st</sup> March 2012 and the Minutes of that meeting are attached.

#### COMMENTS/OPTIONS/DISCUSSIONS

##### Role of the Audit Committee

As a requirement of the Local Government Act the Audit Committee was formed “to provide an independent oversight of the financial systems of the local government on behalf of the Council. As such, the committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government’s financial reporting and audit responsibilities”.

The report of the Audit Committee makes the following two recommendations to Council:

#### COMPLIANCE AUDIT RETURN 2011

##### COMMITTEE RECOMMENDATION 1:

THAT the Audit Committee:

1. Note the issues of non-compliance; and
2. Recommend Council adopt the Compliance Audit Return for the period 1 January 2011 to 31 December 2011

#### AUDITOR’S AUDIT & RISK MANAGEMENT COMMITTEE REPORT 2011

##### COMMITTEE RECOMMENDATION 2:

THAT the Audit Committee recommend to Council that the Audit and Risk Management Committee Report for the year ended 30 June 2011 be received.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Refer to attached Committee Minutes

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**POLICY IMPLICATIONS**

Refer to attached Committee Minutes

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/221**

**MOVED: Cr Sue Owen**

**SECONDED: Cr Stephen Kiernan**

**THAT Council consider the following recommendations as presented by the audit Committee:-**

**COMPLIANCE AUDIT RETURN 2011**

**COMMITTEE RECOMMENDATION 1:**

**THAT the Audit Committee:**

- 1. Note the issues of non-compliance; and**
- 2. Recommend Council adopt the Compliance Audit Return for the period 1 January 2011 to 31 December 2011**

**COMMITTEE RECOMMENDATION 2:**

**THAT the committee recommend to Council that the Audit and Risk Management Committee Report for the year ended 30 June 2011 be received.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

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

### 9.2.5 AUDIT AND RISK MANAGEMENT REPORT 2011

**File No:** FIN-21-1

**Attachments:**

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

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

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

To review and accept the auditor's audit and risk management committee report.

### BACKGROUND

The Shire's annual financial audit for the year ended 30 June 2011 was an unqualified audit report (ie a 'clean' audit) and it stated:

#### ***Audit Opinion***

- "In our opinion, the financial report of the Shire of East Pilbara;*
- (i) presents fairly, in all material respects, the financial position of the Shire of East Pilbara as of 30 June 2011, and of its financial performance and cash flows for the year then ended; and*
  - (ii) Complies with Australian Accounting Standards (including the 'Accounting Interpretations), and*
  - (iii) Is prepared in accordance with the requirements of the Local Government Act 1995 Part 6 (as amended), and regulations under that act."*

This is the audit report that is published within the annual report.

As well as the audit opinion the auditor also presents an Audit and Risk Management Committee Report that identifies key audit risk, including a summary of the audit procedures and adjusted/unadjusted differences. None of the adjustments identified were considered material either individually or in aggregate.

The Local Government Act requires Council to consider the matters raised in the management report, to assess whether the responses to the report are satisfactory and to forward a copy of those responses to the Local Government Department.

The details of the requirements are to be found under the "Statutory Implications/Requirements" later in this item.

**COMMENTS/OPTIONS/DISCUSSIONS**

The auditor's Audit & Risk Management Committee Report is attached.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

The relevant sections of the Local Government Act 1995 are:

**7.9. Audit to be conducted**

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to –
  - (a) the mayor or president;
  - (b) the CEO of the local government; and
  - (c) the Minister

**7.12A. Duties of local government with respect to audits**

- (3) A local government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9 (3) forwarded to it, and is to –
  - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to
  - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under 7.9 is received by the local government, whichever is the latest time.

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

**1.1 Financial Stability**

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute

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OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/222

MOVED: Cr Kevin Danks

SECONDED: Cr Craig Hoyer

THAT Council

1. Review the auditor's Audit and Risk Management Committee Report; and
2. Receive the Audit and Risk Management Committee Report

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0

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

#### 9.2.6 COMPLIANCE AUDIT RETURN 2011

**File No:** LEG-1-11  
**Attachments:** [rptCARFullReturn.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

---

#### REPORT PURPOSE

To seek Council's comment on, and receipt of, the Local Government Compliance Audit Return ("CAR") for the period 1 January 2011 to 31 December 2011.

#### BACKGROUND

Council must complete an annual audit of compliance with statutory requirements.

This CAR, as the name implies, is a checklist of compliance with statutory obligations relating to the provision of services by, and the management of, a local government.

The *Local Government Act 1995*, requires that each local government is to carry out a compliance audit for the period 1 January to 31 December each year, against the requirements included in the CAR for that year. On completion of the compliance audit, the local government is to complete the CAR.

Following completion of the CAR,

- (a) the Audit Committee is to review the CAR;
- (b) the CAR is to be presented to Council at a meeting of the Council;
- (c) the CAR is to be adopted by the Council; and
- (d) the adoption is to be recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit has been presented to the Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Department of Local Government by 31 March 2012.

#### COMMENTS/OPTIONS/DISCUSSIONS

Over previous years, Council has produced the report by using either an independent consultant or by doing the report in house. This year, the Compliance Audit was completed in house.

This year, the Department of Local Government has revised the structure of the CAR. The structure is generally similar however, areas of compliance have been restricted to those considered high risk, resulting in a CAR that contains substantially fewer questions, reducing the size of this years CAR from the previous 27 pages to eight pages for 2011.

Amendments to regulation 13 of the *Local Government (Audit) Regulations 1996*, are allowing these changes to occur.

These changes address issues raised in a number of reports that proposed a review of the Department's Compliance Audit Program, including the Public Accounts Committee Report No. 4 into Local Government Accountability (2006), the Department of Treasury and Finance's Red Tape Reduction Group Report (2010) and the Local Government Reform Steering Committee (2010). These reports raised issues regarding the compliance reporting burden placed on local governments resulting from the requirement to complete a comprehensive CAR and submit it to the Department by 31 March each year.

A further change to regulation 14 requires that the local government's Audit Committee now reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

Further complementary changes to the *Local Government (Audit) Regulations 1996* are proposed for early 2012 to expand the current role of local government Audit Committees. It is proposed the Audit Committees' role will additionally encompass the annual review of areas such as risk management, internal control and legislative compliance.

The reduction to the CAR, and proposed associated transfer of responsibilities to the Audit Committee of each local government, will enable local governments to better manage legislative compliance within their own timeframes and with increased transparency and involvement for elected members. However, the requirement for local governments to comply with relevant legislation will not change.

The compliance report now has 9 sections and these sections contain a total of 78 compliance points. The table below sets out the detail referred to:

<b>Area questions relate to</b>	<b>No of Q's</b>	<b>Yes Answers</b>	<b>No Answers</b>	<b>Not Applicable</b>
Commercial Enterprises	5	0	0	5
Delegation of Power / Duty	13	7	0	6
Disclosure of Interest	16	16	0	0
Disposal of Property	2	0	0	2
Elections	1	1	0	0
Finance	15	9	1	5
Local Government Employees	5	0	1	4
Official Conduct	6	5	0	1
Tenders for Providing Goods and Services	15	8	2	5
<b>TOTAL</b>	<b>78</b>	<b>46</b>	<b>4</b>	<b>28</b>



## STATUTORY IMPLICATIONS/REQUIREMENTS

Part 7 - Audit (Division 4 - General) 7.13. Regulations as to audits (pg 269)

“Regulations as to audits.

Regulations may make provision –

- (i) requiring local governments to carry out...an audit compliance as prescribed.”

**Regulation 13** of the *Local Government (Audit) Regulations* prescribes the items to be subject to audit.

**Regulation 14** of the *Local Government (Audit) Regulations* states that a compliance audit shall be prepared and lays out the form and manner of its preparation.

**Regulation 15** of the *Local Government (Audit) Regulations* deals with the return of the compliance audit to the Department of Local Government after its presentation to the Audit Committee and Council.

## POLICY IMPLICATIONS

Nil.

## PLAN FOR FUTURE OF THE DISTRICT

### Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities

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

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/223

MOVED: Cr Sue Owen

SECONDED: Cr Darren Bennetts

THAT Council:

1. Note the issues of non-compliance; and
2. Adopt the Compliance Audit Return for the period 1 January 2011 to 31 December 2011.

CARRIED  
RECORD OF VOTE: 6 - 0

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

### 9.2.7 CREDITORS FOR PAYMENT

**File No:** 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:** Ms Candice Giblett  
Expenditure Finance Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

Council endorsement of payment to creditors.

### BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 3<sup>rd</sup> February 2012.

### COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT14036-14475	4,849,167.18
	<b>Total</b>	<b>\$4,849,167.18</b>
Cheque Payments	15945-15991	120,737.32
Written Cheque Payments	562922-562929	43,772.16
	<b>Total</b>	<b>\$164,509.48</b>
	<b>GRAND TOTAL</b>	<b><u>\$5,013,676.66</u></b>

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

### CANCELLED AND UNUSED CHEQUES:

#### UNUSED CHEQUES

#### CANCELLED CHEQUES & EFTS

EFT14248, 15970, 15977

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

Reg 11

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

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

Reg 12

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

### **POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

#### POLICY IMPLICATIONS

Nil.

#### PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

### **FINANCIAL IMPLICATIONS**

Total expenses of \$5,013,676.66

### **VOTING REQUIREMENTS**

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/224

MOVED: Cr Kevin Danks

SECONDED: Cr Craig Hoyer

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT14036-14475	4,849,167.18
	<b>Total</b>	<b>\$4,849,167.18</b>
Cheque Payments	15945-15991	120,737.32
Written Cheque Payments	562922-562929	43,772.16
	<b>Total</b>	<b>\$164,509.48</b>
	<b>GRAND TOTAL</b>	<b>\$5,013,676.66</b>

CARRIED  
RECORD OF VOTE: 6 - 0

*To be actioned by Ms Candice Giblett, Expenditure Finance Officer*

**9.2.8 COMMUNITY ASSISTANCE GRANTS - JANUARY 2012 - ROUND 2**

**File No:** CSV-9-4-2  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sharon Walsh  
Manager Community Wellbeing  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council's endorsement of the Community Assistance Grants received for Round Two of the 2011/2012 year.

**BACKGROUND**

In September 2010, a review was undertaken of the Community Assistance Grants Policy. Applications which are made by Clubs and community groups are requested twice per financial year: Round One opens 1<sup>st</sup> July, closes 31<sup>st</sup> July and is assessed at the August Council meeting. Round Two opens 1<sup>st</sup> January, closes on 31<sup>st</sup> January, and is assessed at the February (or March) Council meeting. These funding applications are eligible for a grant of up to \$5,000.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Shire of East Pilbara received seven (7) applications in total. Five (5) of these were received from Clubs and community groups based in Newman. One (1) application received from a group who is based at both the Punmu and Kunawarritji Aboriginal communities. One (1) application is from a community group based in Nullagine. The following applications submitted, met the required criterion:

1. Newman Campdraft & Rodeo Association
2. Newman Mainstreet Project Inc.
3. RAWA Community School
4. Newman Neighbourhood Centre
5. Newman Amateur Swimming Club

The following applications submitted, did not meet the required criterion or were withdrawn by the applicant:

6. Newman Boxing Club – submitted after closing date
7. The Country Women's Association of WA (INC) – withdrawn by applicant

To assist in the assessment of all applications, each will be reviewed individually.

**Newman Campdraft & Rodeo Association**

The Newman Campdraft & Rodeo Association is a non profit organisation that has been operating for approximately 15 years.

Their current Community Assistance Grant application is to request \$5,000 to assist with the associated expenses of holding the 2012 Newman Annual Rodeo and Ute/Truck Show. This event is expected to involve 64 club members, approximately 80 participants and 3,000 plus spectators.

This application is supported by an itemised budget showing the Association's in-kind contribution for this project of approximately \$9,000 and a cash contribution of approximately \$50,000, and also includes details of funding sought from other organisations for the amount of \$21,000.

Criterion:     Hosting special events associated with the club/organisation e.g state championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire.

**Newman Mainstreet Project Inc.**

Newman Mainstreet Project Inc. has been operating for over ten years and is a strong volunteer organisation within the town of Newman.

Their current Community Assistance Grant application is to request \$5,000 to assist with the associated expenses in engaging a consultant to create a business plan, ensuring the continuation of Newman Mainstreet Project Inc. as a viable volunteer organisation within the community.

The application is supported by an itemised budget showing Newman Mainstreet Project Inc.'s in-kind contribution of \$2,000 and monetary support for this project of \$3,000, and also detailed funding sought from BHPIO for the amount of \$5,000.

Newman Mainstreet Project Inc. has received several amounts of funding, both monetary and in-kind contributions, from the Shire of East Pilbara, over the past ten years. Acquittals for their previous grants have all been received.

Criterion:     Club/organisation development, e.g. governance and management strategies such as installation of accounting procedures, hiring of consultants to prepare business and succession plans, governance training, grant writing courses.

**RAWA Community School**

The RAWA Community School, founded in 1982, is based at Punmu Aboriginal Community with an Annex situated at Kunawarratji Aboriginal Community.

Their current Community Assistance Grant application is to request \$5,000 for the purpose of assisting with associated costs involved in the project of providing swimming instruction and water safety practices to the students by qualified instructors, using the 25m swimming pool at Newcrest Mining (Telfer). Newcrest

Mining will provide in-kind support through swimming instruction by their qualified sporting personnel, and the use of the 25m swimming pool, and other sporting facilities onsite. This project will have a positive impact on the health and wellbeing of the students.

The application is supported by a detailed budget which shows the School's cash contribution of \$37,000 and also the in-kind contributions from Newcrest Mining for approximately \$8,400.

The RAWA Community School has not received any previous Community Assistance Grants from the Shire of East Pilbara.

Criterion: Sporting Club Development such as coaching and/or official courses

#### **Newman Neighbourhood Centre**

The Newman Neighbourhood Centre is a vibrant organisation, established in 1993, that offers a range of services to the community. The Newman Neighbourhood Centre caters for all within the community, offering training courses, parenting resources, craft workshops and family events. The Newman Neighbourhood Centre strives to enhance the quality of life for families and individuals and provide a strong support network to other services and community groups, assisting with social inclusion and a reduction in isolation.

Their current Community Assistance Grant application is for the amount of \$5,000 to assist with the associated expenses in installing an additional toilet and a refurbished baby change area in the Centre.

The Newman Neighbourhood Centre has received Community Assistance Grants previously, the last being in 2009 for an amount of \$4,000 to assist with expenses associated with upgrading the exterior of the Centre. An Aquittal for this Community Assistance Grant has been received.

The application is supported by a detailed budget, which shows the Centre's cash contribution for this project of \$6,700.

Criterion: Beautification of facilities and/or premises e.g refurbishment and renovations of premises or facilities

#### **Newman Amateur Swimming Club**

The Newman Amateur Swimming Club, incorporated in 1987, is a proud club within the town of Newman. The club currently has approximately 60 members.

Their current Community Assistance Grant application is for the amount of \$5,000 to assist with the associated costs of hosting the Pilbara Championships in November 2012, including the cost associated with the removal of the starting/diving blocks, and purchase of new mobile starting blocks which meet FINA standards.

The Newman Amateur Swimming Club will host this event in November 2012, which includes competitors and spectators from eight (8) other country teams from the Pilbara, Gascoyne and Kimberley regions.



This Community Assistance Grant application was submitted correctly, and was supported by a detailed budget for the Championship event, including documentation of the Club's in-kind contributions and monetary contributions from other funding sources. However, Council has secured funding through the LGIS Risk Management Fund, to complete this infrastructure work through asset maintenance schedules and this grant application has been withdrawn from this round of Community Assistance Grants by the Shire of East Pilbara as the Shire is arranging to purchase the mobile starting blocks and will secure a contractor to remove the old starting blocks before the Championships occur in the later part of 2012.

Criterion: Hosting special events associated with the club/organisation e.g state championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire

### **Newman Boxing Club**

The Newman Boxing Club has a strong membership base. The Club wish to hold a charity event, with all ticket sale proceeds going to the Royal Flying Doctors. There would be approximately 30 participants and 500 spectators at this charity event.

This application was for the amount of \$5,000 to assist with the associated expenses in holding such an event. The application was supported by a detailed budget which showed funding from other organisations, and the Club's in-kind contribution.

However, the application was not received by the advertised deadline and therefore has not been considered in this round of Community Assistance Grants.

Criterion: Hosting special events associated with the club/organisation e.g state championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire

### **Country Women's Association of WA (Inc)**

Council received an application from the Country Women's Association of WA (Inc), based in Nullagine, for the amount of \$4,550 to assist with the associated costs of setting up the Association within Nullagine, this included the General Secretary's visit to Nullagine to assist with training, setting up governance and committee and holding the inaugural meeting/opening day, which was to be a Country Women's Association pre-1900's themed morning tea.

The application included a budget for the event, which highlighted the CWA's in-kind contribution and also contributions sought from other organisations.

However, the Application did not have a Certificate of Registration attached, nor any other applicable paperwork.

This Community Assistance Grant Application was withdrawn by the Applicant.

Criterion: Club/organisation development, e.g governance and management strategies such as installation of accounting procedures, hiring of

consultants to prepare business and succession plans, governance training, grant writing courses.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

### COMMUNITY ASSISTANCE AND GRANTS :

Minute No: Item 9.2.3

Date: 24 September 2010

### Policy Objectives:

To provide the opportunity for Council to assist the community through a clear and fair process of assessing and allocating requests for cash and in-kind assistance. Furthermore, to provide an effective administrative procedure for dealing with community assistance grant requests.

### Policy Statement:

Council recognises its important role of providing assistance to the community. Council considers it important that the processes of providing assistance in either cash or in-kind, ensures equity, accountability and efficiency in allocating all resources.

All assistance is intended to encourage the concepts of community development and self-sufficiency within the Shire, rather than reliance, and donations are intended to be used to positively contribute to the well-being of individuals and groups in the community.

This policy is designed to ensure that resources are directed towards achieving Council's strategic vision, mission and goals as determined in the Strategic Plan for 2004-2007.

### Applications for Grants or Assistance:

Council assistance can only be sought by completing the required form and addressing the conditions and guidelines contained within the application form. Grants are available to organisations involved in Arts, Culture, Sport, Recreation and Charitable purposes. Grants must be matched dollar for dollar or with in-kind support. There are three types of grants offered:

1. Quick Grants are available through the whole year and are for in-kind contributions of up to \$300.
2. Grants up to \$1,000 are available throughout the year and are approved by the Chief Executive Officer.
3. Grants from \$1,000 to \$5,000 are available twice a year and are approved by Council.

Council's grant program will offer two rounds of funding annually. Round One applications open 1<sup>st</sup> July and close 31<sup>st</sup> July and are tabled at the August Council meeting. Round Two applications open 1<sup>st</sup> January and close 31<sup>st</sup> January and are tabled at the February or March Council meeting.

**Selection Criteria:**

For a grant to be successful it must meet one of more of the following criteria:

- Club/Organisation development, e.g. governance and management strategies such as installation of accounting systems, hiring or consultants to prepare business and succession plans.
- Hosting special events associated with the club/organisation, e.g. state championships, yearly interstate championships, promotion, marketing, venue equipment and/or hire.
- Sporting club development, e.g. coaching courses, governance training and/or grant writing courses;
- Beautification of facilities and/or premises, e.g. refurbishment and renovations of premises or facilities.

**Promotion of Grants:**

The availability of all Council grants will be advertised twice a year in local print media and community noticeboards, plus additional promotions where appropriate and available. Advertising will be timely in respect to closing dates of applications.

**Assessment of Grants:**

All applications must be date stamped and logged in as received upon receipt. Relevant Shire Officers accounting for the established criteria, policy objective and aims of each Grant, must objectively assess all grants.

Applications which do not meet relevant established criteria within this policy will not be considered.

**Budgeting:**

A community grant allocation will be considered at Council's annual budget meeting. Grant applications will then be considered in the August and February Council meetings.

**Public Relations:**

All successful applications must acknowledge the Shire of East Pilbara via methods established and agreed by the Chief Executive Officer, or his delegate, or as otherwise indicated on application forms.

**Funding Agreement:**

Successful applicants will be required to sign the appropriate Funding Agreement.

**Review of Policy:**

The Chief Executive Officer, or his delegate, may review terms and conditions relevant to each of the application forms, from time to time.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 2 - Community Enrichment**

To enrich our cultural, social and recreational lifestyles

- 2.4.3 Develop and implement events and programs that promote a healthy lifestyle and wellbeing  
Continuing role  
How funded – Municipal Funds and funding opportunities  
Responsible Directorate – Community Engagement

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation. The funds for approved grants will be accessed from GL # 81014.

Budget 11/12	\$35,000
Expenditure to date:	\$21,939
Balance	\$13,061

Due to the limited funds available in GL 81014 it is not possible to approve the \$5,000 amount sought in each of the applications; it is therefore recommended that amounts of \$2,000 be offered to the four (4) applications which have been assessed as being suitable applicants.

Funds of \$5,061 would be available from GL 81014 for the duration of the financial year to be allocated to quick grant applicants and in-kind contribution applicants.

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/225**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Craig Hoyer**

**THAT Council**

- 1. Upon receiving the Certificate of Registration, current bank statement and annual financial statement of the Newman Campdraft and Rodeo Association, approve a Community Assistance Grant of \$2,000 to the Newman Campdraft and Rodeo Association for the purpose of assisting in the associated costs of holding the 2012 Newman Annual Rodeo and Ute/Truck Show.**
- 2. Approve a Community Assistance Grant of \$2,000 to Newman Mainstreet Project Inc for the purpose of assisting in the associated costs of engaging a consultant to create a business plan.**
- 3. Upon receiving a current bank statement and annual financial statement, approve a Community Assistance Grant of \$2,000 to RAWA Community School for the purpose of assisting with the associated costs of providing swimming instruction and water safety practices to students of the RAWA Community School.**
- 4. Approve a Community Assistance Grant of \$2,000 to Newman Neighbourhood Centre for the purpose of assisting with the associated costs of installing an additional toilet and refurbished baby change area in the Centre.**
- 5. Not approve a Community Assistance Grant of \$5,000 to the Newman Amateur Swimming Club for the purpose of assisting with the associated costs of holding the 2012 Pilbara Championships due to the fact that the Shire of East Pilbara has already engaged in the process of removing the existing starting blocks and replacing these with mobile starting blocks.**
- 6. Not approve a Community Assistance Grant of \$5,000 to the Newman Boxing Club for purpose of assisting with associated costs in holding a Charity Boxing Match due to late submission of the application.**
- 7. Not approve a Community Assistance Grant of \$4,550 to the Country Women's Association of WA (Inc) for the purpose of assisting with the associated costs of setting up the Association within Nullagine, including holding a Pre-1900's CWA morning tea due to the applicant withdrawing the application.**
- 8. Approve the required \$8,000 for these approved grants to be accessed from GL # 81014.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

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

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### 9.3 DIRECTOR TECHNICAL SERVICES

#### 9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS - FEBRUARY 2012

**File No:** 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

12:55 PM Meeting adjourned for lunch.

1:24 PM Meeting resumed, All Councillors and staff returned to Chambers except Ms Sian Appleton, Deputy Chief Executive Officer and Mr Adam Majid, Manager Development Services Planning

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### REPORT PURPOSE

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

### BACKGROUND

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

### COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of the council*

(1) *The council –*

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

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

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

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

### POLICY IMPLICATIONS

Nil

### PLAN FOR FUTURE OF THE DISTRICT

#### Goal 3 - Community Leadership

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To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/226**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Kevin Danks**

**THAT the “Status of Council Decisions” – Technical Services report for February 2012 be received.**

**CARRIED**

**RECORD OF VOTE: 6 - 0**

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	Need to see MRWA as speed zones are a regulatory Item	March 2012
16 December 2011	13.4	MAIN ROAD Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.	TSAO	Letter sent to MRWA	March 2012
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.  Technical Services to follow up.	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is	MTS –R	Being Investigated	



<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Technical Services to follow up.			
3 February 2012	9.3.2	CONTROLLER PARKING FEES & CHARGES – AIRPORT TENANT STAFF	MAS		
3 February 2012	9.3.3	UNBUDGETED DISPOSAL OF VEHICLE	MTS		
3 February 2012	9.3.4	DEDICATION OF THE TRACK BETWEEN TELFER AND THE TALAWANA TRACK	MTS		
3 February 2012	9.3.5	PROPOSAL TO REALIGN SECTION OF THE MUNJINA ROY HILL ROAD	MTS		

**9.3.2 DOMESTIC REFUSE COLLECTION NEWMAN, CHANGE OF SERVICE PROVIDER**

**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer

**Author:** Ms Racquel Langoulant  
Technical Services Administration Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

East Pilbara Recycling has requested the assigning of the Domestic Refuse Collection Newman contract to Transpacific Cleanaway.

**BACKGROUND**

East Pilbara Recycling was the successful tenderers for the Refuse Collection Services – Newman, Tender 03-2009. The contract for this service commenced on the 1<sup>st</sup> August 2009 and finishes on the 31<sup>st</sup> July 2014.

Due to various reasons, East Pilbara Recycling now wishes to assign this contract to Transpacific Cleanaway as per clause 1.12 of the current contract.

**COMMENTS/OPTIONS/DISCUSSIONS**

The assigning of the contract to Transpacific Cleanaway would effectively mean that all conditions of the current contract would still apply including the contract termination date. Transpacific have agreed as per attached correspondence.

Transpacific have carried out this contract previously and certainly have the capability and experience to maintain the service requirement.

East Pilbara Recycling have stated that they will operationally be unable to continue this service in the near future so it would be in Councils best interest to ensure that the current contract conditions are maintained until the termination date.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

**THAT Council ratify the actions of staff in approving the assigning of the Newman Refuse Collection Services contract to Transpacific Cleanaway as per current conditions and termination date of 31<sup>st</sup> July 2014, so that the matter may be expedited. Staff have spoken to the Shire President and subsequently advised East Pilbara Recycling that approval for the assignment of the contract will be given. As previously stated there is no financial impact on Council. Council solicitors are preparing the documentation for the assignment which will see East Pilbara Recycling terminate the contract on 13<sup>th</sup> March 2012, and Transpacific Cleanaway begin on 15<sup>th</sup> March 2012.**

**COUNCIL RESOLUTION: 201112/227**

**MOVED: Cr Stephen Kiernan**

**SECONDED: Cr Sue Owen**

**THAT Council;**

- 1. Ratify the actions of staff in approving the assigning of the Newman Refuse Collection Services contract to Transpacific Cleanaway as per current conditions and termination date of 31<sup>st</sup> July 2014, so that the matter may be expedited.**

**Staff have spoken to the Shire President and subsequently advised East Pilbara Recycling that approval for the assignment of the contract will be given. As previously stated there is no financial impact on Council.**

**Council solicitors are preparing the documentation they have for the assignment which will see East Pilbara Recycling terminate the contract on 13<sup>th</sup> March 2012, and Transpacific Cleanaway begin on 15<sup>th</sup> March 2012.**

- 2. The common seal of the Shire of East Pilbara be affixed to the deed of assignment between the parties.**

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

**Reason for Non Acceptance of Officer's Recommendation: to include in the resolution the fixing of the common seal.**

***To be actioned by Ms Racquel Langoulant, Technical Services Administration***

**9.3.3 LICENSE AGREEMENT - OFFICE SPACE ROYAL FLYING DOCTORS SERVICES (RFDS)**

**File No:** FAC 1-2  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Leon Burger  
Manager Airport Services  
**Location/Address:** Newman Airport  
**Name of Applicant:** RFDS  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council approval to negotiate a License Agreement with the Royal Flying Doctors Services (RFDS) for the establishment a patient transfer station and utilisation of floor space within the General Aviation Terminal at Newman Airport.

**BACKGROUND**

On 22 July 2011 Council authorised the following under Resolution 201112/28:

*“THAT Council*

*1. Authorises the Manager Airport Services to negotiate a floor space licence agreement with the Royal Flying Doctors Services (RFDS) sponsor for the lease of a floor space within the GA Terminal at Newman Airport within the following guidelines:*

- A suitable area of the GA Terminal of approx 60m<sup>2</sup>.*
- All alterations to be for the costs of the tenant with proper building approval.*
- Conditions to be consistent with the adopted licence agreement, but that – in view of the capital investment involved - a licence term of five years be offered.*
- Rental rate of \$535/m<sup>2</sup> to apply as per the approved economic recovery rate.*

*2. Approve the use of the common seal to be applied to the licence agreement between the Shire of East Pilbara and Royal Flying Doctors Services.”*

A draft License Agreement was subsequently forwarded to RFDS for consideration, but has not been concluded to date.

**COMMENTS/OPTIONS/DISCUSSIONS**

In a correspondence from RFDS dated 23 January 2012 they request the Shire of East Pilbara to reconsider the annual rent as accepted and approved by Council based on the following:

- Although the establishment and operating cost of such a patient transfer facility is sponsored by BHP Billiton, the associated annual rental fee is beyond their available budget.
- They perform a vital community service and during 2010/11 provided 184 inter hospital transfers and primary medical evacuations out of Newman; and another 37 and 25 out of Nullagine and Marble Bar respectively.
- During the same period they conducted 39 GP clinics in Nullagine and 46 in Marble Bar.

The RFDS has primary operating bases in Hedland and Meekatharra. Newman Airport further serves as a patient change-over station for patients being airlifted from the north and the East Pilbara to Perth. Hedland based RFDS aircraft therefore do not have to leave their area of responsibility by transferring patients onto Meekatharra-based aircraft. As the arrivals of such aircraft cannot always be coordinated to exact times, patients often have to wait in the first aircraft parked on the apron until the next aircraft arrives. Invariable one or both aircraft must also refuel and a further waiting period results. During this time the patient/s is kept on board the aircraft in adverse temperatures and weather conditions.

The availability of a patient transfer station at Newman Airport will greatly enhance patient care during delays.

RFDS has subsequently requested that Council waiver the rental fees associated with the proposed patient transfer station.

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Community involvement and care.

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

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

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

#### **FINANCIAL IMPLICATIONS**

Loss of potential rental income of \$32,100/annum to \$33,700/annum in year five of the license agreement.

#### **VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/228**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Craig Hoyer**

- 1. THAT Council authorises the Manager Airport Services to re-negotiate a license agreement with RFDS for the lease of a floor space within the GA Terminal at Newman Airport within the following guidelines;**
  - **A suitable sub-division of the GA Terminal of some 60m<sup>2</sup>.**
  - **All alterations to be for the costs of the tenant with proper building approval.**
  - **Conditions to be consistent with the adopted license agreement, but that – in view of the capital investment involved - a license term of five years be offered.**
  - **A rental rate of \$1 per annum is applied for the first five-year term of the agreement in recognition of the vital service provided by the RFDS.**
  - **Should they wish to continue utilising the facility after the initial five years the rental rate is to be consistent with the Council approved fees and charges applicable at that time.**
  - **Pro-rata payment for services based on the floor space utilised; to be invoiced quarterly.**

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

***To be actioned by Mr Leon Burger, Manager Airport Services.***

#### 9.3.4 SCREENING AUTHORITY APPLICATION

**File No:** FAC 1-2  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Leon Burger  
Manager Airport Services  
**Location/Address:** Newman Airport  
**Name of Applicant:** General  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To seek Council approval to complete the process for the Shire of East Pilbara to become the screening authority at Newman Airport.

#### BACKGROUND

It is a regulatory requirement for an airport from which screened air services operated to provide full baggage and passenger screening services. Such a service is regulated through an approved screening authority and screening agent. The latter does not necessarily have to be part of or directly employed by the screening authority organisation, but can be an approved agent.

In accordance with regulation 4.03 of the Aviation Transport Security Regulations 2005, Qantas Airways Ltd was appointed as screening authority at Newman Airport. This appointment and authorisation was reconfirmed on 30 November 2007 by the Secretary of the Department of Transport and Regional Services as Qantas was the only operator at that time providing RPT services to Newman, and had the organisational expertise and capacity to provide such a services.

Currently Qantas is still the screening authority, although Virgin commenced screened RPT out of Newman in October 2008. Other air operational involving closed charters operating out of Newman do not require screening services under the current legislations. However, if and when such services have to depart Newman off the RPT (screened services) apron during sterile periods, they are automatically subject to full screening. Qantas employs MSS Security as screening agent to provide actually screening services to all operators as and when required.

#### COMMENTS/OPTIONS/DISCUSSIONS

The need for the Shire of East Pilbara to become the screening authority has been identified and reported on to Council since early 2010. This course of action is foremost based on the following:

- In terms of the *Aviation Transport Security Act 2004* Newman Airport is classified as a Security Controlled airport.

- In terms of Section 16(2) of this act the Shire of East Pilbara, as owner/operator of this airport, is required to implement a Transport Security Plan (TSP) aimed and ensuring the security integrity of the domestic and international aviation network.
- A specific area of responsibility within the TSP is to ensure that the integrity of the screened services is maintained through the maintenance of the sterile areas during screening periods.
- The greatest threat to the integrity of security is the 150,000 outbound passengers and baggage per annum that are subject to screening.
- This is the area where the security is at the highest risk, and the shire has no direct control over the screening of such individuals.
- As screening authority Qantas is ultimately liable for screening security. However, as responsible officer of this shire, the CEO has at the very least a duty of care if not shared liability.

It is therefore imperative that, in the interest of complying with our role as owner/operator of this airport, and in acceptance of our overall duty of care, responsibility and accountability, the shire has direct control over screening activities. This is only possible if the shire assumes the full role, responsibility and accountability of screening authority.

Further considerations are of commercial nature:

- All aircraft and air operators visiting Newman are subject to approved fees and charges.
- The shire controls only landing and parking fees, and passenger services charges.
- NWS (again a Qantas agent) charges air operators a fee to provide passenger check-in, baggage handling and apron services.
- Qantas, as screening authority, raises separate fees for screening.
- The fees charged by NWS and Qantas respectively for services at Newman Airport are not known and neither company is prepared to divulge this information. Capital airports publish this information on their websites.
- It is believed that screening charges are on costed by Qantas to other airline based on aircraft seating capacity, and not per ticket sold.

Although Qantas carries the majority of RPT passengers out of Newman, they are in effect in direct commercial competition with all other airlines operating out of Newman. However, they control a section of the fees charged for such operations through the screening fees. In the interest of a "fair go" this is not considered to be a sound business practice, and this shire has no influence in attracting additional airline business if it cannot ensure that each user pays its fair share of the service delivery cost.

Screening operations is a relatively expensive operation, but is not viewed within the aviation industry to be a profitable revenue stream except by the contracted screening agents who perform the actual screening. That said, it is an integral and



regulated element of maintaining a security controlled airport, and should be offered to prospective clients at break-even cost. The added advantage is that the owner/operator attains direct control over one of the most critical risk areas.

The Newman Airport passenger service fees are currently \$19.11 per passenger. Transit passengers and passenger under the age of 12 are exempted. In comparison to other regional airports of comparable traffic and passengers flow number, this airport ranks in the middle in terms of fees. However, revenue streams associated with passenger numbers and aircraft movements increase accordingly, and airports are continuously pressurised by airlines for reductions in fees as revenues increase. Notwithstanding the fact that airports rely heavily on aviation based revenue streams in their own business and cash flow plans, a point is reached where a reduction of fees should be considered.

Newman Airport has demonstrated an average growth in passenger numbers of 27.5% over the past six years, with an average of 24.5% over the past three years. During the past four years it has only raised its airport fees by 2%. However, in light of the above-average growth figures it will not be feasible to introduce any increases in the future, and pressure is expected to reduce the fees as overall revenue increases.

In adopting screening accountability and the associated costs it will of necessity require dedicated capital investment in term of equipment requirements and ongoing life cycle and operating costs. However, the projected cash flow plan indicated that these costs can be accommodated within our budget without raising any fees. Conversely, it can only be accommodated if the current fee structures are maintained.

A solution is therefore to offer airlines a capped passenger service fee of the current \$19.11 per passenger for five years; not to increase but also not to decrease. Just in terms of a non-compounded CPI adjustment of 3% per annum it offers airlines a stable fee structure for a fixed period, while ensuring the airport a firm revenue stream in the short term.

Screening equipment at Newman Airport consists of the following:

- Smith's Checked Baggage Screening (CBS) and trace detection machines; owner by the shire of East Pilbara and currently still under a state funded warrantee.
- L3 carry-on baggage, passenger screening and trace detectors owned by Qantas.

Should the Shire become the screening authority it will be required to provide its own carry-on baggage, passenger screening and trace detectors. Initial costs for such equipment, assuming Smith's equipment is purchased in the interest of communality, is estimated at \$300,000. However, Qantas has indicated that they will be prepared to negotiate a price to transfer the L3 equipment to the shire. This in itself will have to be evaluated against life cycle costs of new equipment versus the second-hand equipment offered by Qantas.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Enables the Shire of East Pilbara to fully manage and control its accountability and duty of care in its role as holder of the Newman Airport TSP, while ensuring that all airline operators using this airport receive a pro-rata and fair deal in terms of service costs.

**POLICY IMPLICATIONS**

Continued economic stability and growth of the airport as vital air link to the community.

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 - Community Viability**

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

**FINANCIAL IMPLICATIONS**

In negotiating a fixed passenger service fee structure with airlines for a five year period both the airport and the airlines are ensure of a stable income base and cost in the short term.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/229**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Sue Owen**

- 1. THAT Council authorises the Manager Airport Services to obtain authority from the Department of Transport (Office of Transport Security) to become the recognised screening authority at Newman Airport.**
- 2. THAT, if successful in obtaining the above, Council authorises the Manager Airport Services to issue an RFT in accordance with the Local Government tender process for the provision of screening services at Newman Airport.**
- 3. THAT Council authorises the Manager Airport Services to evaluate the life cycle costs of transferring the Qantas-owned L3 equipment against the advantages associated with new but compatible Smith's equipment, and purchase such equipment under an approved capital expenditure budget item. In view of the unique nature of each one of these option it will not be feasible to invite tenders.**

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

***To be actioned by Mr Leon Burger, Manager Airport Services***

**9.3.5 TENDER 1/2011-12 NEWMAN AIRPORT RPT TEMINAL DEPARTURES  
LOUNGE AND AMENITIES EXTENSION**

**File No:** FAC 1-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Leon Burger  
Manager Airport Services  
**Location/Address:** Newman Airport  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

1:39 PM Ms Sian Appleton returned to the Chambers

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**REPORT PURPOSE**

To seek Council's approval for the acceptance of tenders for the construction of an extension to the Newman Airport RPT Terminal Departures lounge and amenities.

**BACKGROUND**

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.

The tender for the expansion of the RPT Terminal departures lounge and amenities at Newman Airport reflects the increase in capacity required in this facility to accommodate the rapid increase in passenger numbers during peaks periods.

On the 21<sup>st</sup> of January 2012 the tender for the above works was advertised in The Western Australian, Local Government Tender section in accordance with requirements.

The Tender closed on 22 February 2012 at 4.00pm.

The following contractors submitted tenders and deemed compliant with criteria:

- Wideglide Constructions
- Ahrens Group Pty Ltd
- CPD Group Pty Ltd
- Robinson Buildtech
- Pindan Contracting

The Newman Airport RPT Terminal has been designed and operates on the principle of fast processing passengers through check-in, screening and ready for departure. This concept was based on an average passenger load of 100 per flight, and flight schedule separation of 35-40 minutes. With a full seating capacity of 200 in the departures lounge it follows that two aircraft loads can be accommodate at any one time.

The amenities within that lounge were based on the same assumptions and currently consist of one male and one female disabled toilet only.

The threshold to increase the departures lounge capacity and amenities was accepted to be 240,000 passengers per annum. However, this factor alone is not the sole deciding factor and must be seen in conjunction with the other factors involved. The annual passenger growth rate of FY09/10 of only 2.7% suggested that passenger numbers would reach this threshold by FY13/14. This was disproved early in FY10/11 when the “boom” in the resources sector manifested itself in passenger numbers increasing by 24%. This in turn suggested that the threshold of 240,000 passengers could be reached by FY11/12.

The combined increase of aircraft loads when the B737 was introduced on  $\pm 30\%$  of the scheduled flights, and the simultaneous increase in load factors, has further increased congestion in the departures facilities. Where previously two aircraft had a combined passenger load of around 200-230, the norm is now 250-280 passengers. This is often experienced during morning peak times and Wednesday evenings, when two scheduled flights arrive/depart 5 minutes apart.

With the cost of simultaneously extending the departures lounge and amenities expected to be very high, it was decided that the priority is to extend the amenities during FY11/12 and the lounge floor space during FY12/13. The FY11/12 proposed budget will reflect that resources were allocated to extending the amenities.

VDM Consultants (original designers of the terminal) have been commissioned to design and submit engineering drawings for tender purposes for the amenities extension. This necessitated a redesign of the current search room and office space to include:

- Separate male and female toilet and vanity areas.
- A single unisex disabled toilet with baby change facilities.
- A smaller search room.
- A cleaner's store room.
- Screening office on a mezzanine level.
- Relocation of the departures lounge entrance.

However, based on the latest passenger number trends, and following an internal review, it was decided that it would be prudent to design and cost the full extension project. The original commissioning was therefore extended to include an extension to the lounge itself. This extension will comprise of:

- Extending the airside wall towards the apron by 6 meters.
- Thus increasing floor space by 64% and effective seating capacity by 94%.

The tender documentation was comprehensive in detail and included the request for tender, specifications, scope of works, conditions of contract and the tenderers offer.

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

- Relevant experience 20%
- Key personal skills & experience 10%
- Financial position 5%
- Demonstrated Understanding 10%
- Tendered price 55%

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

The following table summarises the weightings that were given by the assessment panel to the companies who submitted a tender for the works:

Description	Weighting	Wideglide	Ahrens (MAM)	CPD Group	Robinson Buildtech	Pindan
Relevant Experience	20%	11.43	17.14	14.29	17.14	20.00
Financial Position	5%	1.88	3.75	3.75	3.75	5.00
Key Personal Skills & Experience	10%	6.00	10.00	10.00	10.00	10.00
Demonstrated Understanding	10%	5.56	8.33	6.67	5.56	8.89
Tender Price (ex GST)	55%	43.49	55.00	46.93	49.71	44.13
<b>TOTAL</b>	100%	68.3	94.2	81.6	86.2	88.0

**NOTE:** Shire of East Pilbara Local Purchase Policy has been applied.

The results of the tender assessment indicate that Ahrens (MAM) is the most advantageous tender to council based on its overall highest uncorrected weighted scoring even before application of Local Purchase Policy factor.

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

The expansion of the departures lounges and amenities project is limited by the existing infrastructure. As such it will increase the existing capacity to only accommodate around 300-350 passengers.

Subsequent to Council's resolution 9.3.5 of 22 July 2011 to invite tenders for the above project, BHPIO presented a report forecasting the expected FIFO growth trends for the WAIO workforce. This indicated expected passengers numbers to increase dramatically over the next two years, to peak between 2013 and 2015. A subsequent appreciation done by MAS on the infrastructure and service delivery requirements to meet the expected growth figures in the short and medium terms indicates that the airport facilities should be expanded to accommodate up to 850 departing and arriving passengers and a total of 1,000 patron during peak periods.

In partnership with BHPIO Woodhead was engaged to prepare concept designs to meet the specified requirements, in conjunction with Rider Levett Bucknall who will

provide a project costs analysis. The target date for submission of the concept design and cost estimates is 16 March 2012. To date Woodhead has submitted three different concepts of design, and is currently refining a most likely solution.

The most likely concept design suggests significant changes to the RPT Terminal Building. This includes further changes to the airside glass frontage and the amenities to increase capacity to accommodate the forecast passenger numbers. This major upgrade project is aimed for completion by the end of 2013 to coincide with the peak in passenger growth. The end result is that most of the work planned for in the expansion project under RFT 1/2011-12 will have to be demolished. During a telephone conference with Woodhead architectural team on Monday 27 February 2012 they strongly suggested that it will not be economically sound to do the currently planned works as this will in all probability have to be undone within a year.

Another consideration is the fact that the lowest tender for this current project exceeds the FY2011/12 capital budgeted amount of \$610,000 by some \$383,000, or 62.8%. The budget amount was determined following a recommendation in May 2012 by the design engineers VDM.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

#### **TENDER PROCEDURES**

The Shire of East Pilbara "Tender Procedures" policy

Tender Procedures

Minute No: Item 9.

Date: 27th June 2003

5th May 2006

### **Objective**

To set guidelines which, must be followed when inviting tenders for works and services within the Shire.

### **Policy**

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

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

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.

2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."
3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such form is optional in the case of procurements worth less than \$50,000.00 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on the Council correspondence, files, Council Minutes, Minutes, etc.
5. Tender notices shall insist that all tenders be either clearly marked, and in a sealed envelope, facsimiled with a correctly title cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery. The facsimile telephone number shall be that located nearest the Chief Executive Officer's office (08 9175 1522), and emails shall be sent to the address [tenders@eastpilbara.wa.gov.au](mailto:tenders@eastpilbara.wa.gov.au).
7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

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

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

Supporting Opportunities that Encourage Growth and Diversity

- 1.1 Financial Stability
- 1.5 Airport Development
  - 1.5.1 Complete and implement the Newman Airport Master Plan  
October 2009  
How funded – Municipal Funds – Airport Operations  
Responsible Directorate – Technical Services

**FINANCIAL IMPLICATIONS**

The current budgeted amount for this capital project of \$610,000 is insufficient to engage even the lowest tender. Although the expansion of the current facilities is a very high priority, it will furthermore be economically unsound to invest this money in a project with a useable life expectancy of just more than one year.

**VOTING REQUIREMENTS**

Simple

**OFFICER'S RECOMMENDATION**

1. **THAT Council provisionally nominate Ahrens for Tender 1/2011-12 as preferred tenderer for the construction of the expansion to the Newman Airport RPT Terminal departures lounge and amenities for the tendered price of \$1,092,300 inclusive of GST.**
2. **THAT, in consultation with the nominated preferred tenderer, the actual placement of order for the scoped works is delayed until a firm decision has been made regarding the further expansion of facilities and its impact on the current works projects.**

**COUNCIL RESOLUTION: 201112/230**

**MOVED: Cr Sue Owen**

**SECONDED: Cr Darren Bennetts**

**That the item be deferred to the next meeting of Council.**

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

**Reason for Non-Acceptance of Officer's Recommendation: Council to review the Airport Master Plan.**

***To be actioned by Mr Leon Burger, Manager Airport Services***



**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**11.1 BUDGET REVIEW AS AT 31 JANUARY 2012, BE ACCEPTED AS AGENDA  
ITEM 11.1.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/231**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Kevin Danks**

**THAT the Budget Review as at 31 January 2012 be accepted as agenda item  
11.1.1.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

**11.1.1 BUDGET REVIEW AS AT 31 JANUARY 2012**

**Attachments:** [Budget Review Jan 12.pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To provide Councillors with a budget review as at 31 January 2012.

**BACKGROUND**

This report outlines projected variance with the 2011/2012 budget and proposed changes to the budget and brief explanation of why the changes are required. Also attached is a seventeen page report detailing projected actual figures to 31 January and variance against budget figures.

There are three sections to the budget review attachment:

1. A financial activity report outlining variance against project actuals and the 2011/2012 budget.
2. A reconciliation of projected actual capital expenditure against the 2011/2012 budget.

3. Projected net assets as at 30 June 2012.

**COMMENTS/OPTIONS/DISCUSSIONS**

The Deputy Chief Executive Officer will provide an overview and explanation as required of how to interpret the Budget Review. The report is based on significant variances greater than 10% or \$10,000.

Variances:

General Purpose Funding – Function 3

Interest in up on budget however this is matched by a decrease in the interim rate budget.

Governance – Function 4

There will be a significant savings in Function 4 owing to wages and superannuation being down due to vacancies and a reduction in insurance and gardening maintenance.

Law, Order & Public Safety – Function 5

Limited savings on staff wages and superannuation.

Health – Function 7

Savings due to under expenditure on infant health owing to major construction being undertaken.

Education and Welfare – Function 8

Savings owing to staff vacancy. Also some programmes will be unable to be run because of these vacancies.

Housing – Function 9

Savings in the staff housing budget will be reflected in a reduction of allocation over all functions.

Community Amenities – Function 10

Liquid disposal fees up on budget. Also planning applications up on budget.

Recreation and Culture – Function 11

Increase income owing to grants received in relation to sporting upgrade work. Will be matched by capital expenditure.

Transport – Function 12

Limited general savings.

Economic Service – Function 13

Building licences is significantly up on budget. Also a savings due to staff vacancies.

Other Property & Services – Function 14

This area is on budget.

Excluding non-cash items and funding programmes a surplus of approximately \$2,400,000 is currently forecast. This is due mainly to planning; building and liquid waste additional income as well as savings in wages and salaries. The following additional expenditure is submitted for consideration by Council:

<b>Capital Expenditure</b>	
Newman Depot Works	1,100,000
Solar Initiative – Marble Bar and Nullagine	200,000
Staff Housing Reserve	250,000
Public Building Reserve	350,000
Heavy Road Plant Reserve	200,000
<b>TOTAL ADDITIONAL EXPENDITURE</b>	<b>2,100,000</b>

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**PLAN FOR FUTURE OF THE DISTRICT**

**Goal 1 – Community Viability**

*Supporting Opportunities that Encourage Growth and Diversity*

1.1 Financial Stability

**FINANCIAL IMPLICATIONS**

It is expected that Council will bring forward a surplus of approximately \$300,000 into the 2012/2013 year if additional expenditure is authorised.

**VOTING REQUIREMENTS**

Absolute

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/232**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Sue Owen**

**THAT Council**

- 1. Accept the Budget Review for the 31<sup>st</sup> January 2012 as set out.**
- 2. Authorise additional expenditure from surplus as follows:**

<b>Capital Expenditure</b>	
Newman Depot Works	1,100,000
Solar Initiative – Marble Bar and Nullagine	200,000
Staff Housing Reserve	250,000
Public Building Reserve	350,000
Heavy Road Plant Reserve	200,000
<b>TOTAL ADDITIONAL EXPENDITURE</b>	<b>2,100,000</b>

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

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

**11.2 ACCEPTANCE OF 2010/2011 ANNUAL REPORT, BE ACCEPTED AS  
AGENDA ITEM 11.2.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/233**

**MOVED: Cr Darren Bennetts**

**SECONDED: Cr Sue Owen**

**THAT the Acceptance of 2010/2011 Annual Report be accepted as agenda  
item 11.2.1**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

**11.2.1 ACCEPTANCE OF 2010 2011 ANNUAL REPORT**

**File No:** FIN-5-2  
**Attachments:** Under Separate Cover  
**Responsible Officer:** Sian Appleton  
Director Corporate Services  
**Author:** Sian Appleton  
Director Corporate Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To present the 2010 2011 Annual Report to Council.

**BACKGROUND**

The Annual Report is included under separate cover.

**COMMENTS/OPTIONS/DISCUSSIONS**

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

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 5 - Administration (Division 2 - Meetings) (Subdivision 4 - Electors' meetings)  
5.27. Electors' general meetings (pg 143)

5.27. Electors' general meetings

(1) A general meeting of the electors of a district is to be held once every financial year.

- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed

Part 5 - Administration (Division 2 - Meetings) (Subdivision 4 - Electors' meetings)  
5.29. Convening electors' meetings (pg 144)

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving –
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Part 5 - Administration (Division 5 - Annual reports and planning)

5.54. Acceptance of annual reports (pg 158)5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

\* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

## **POLICY IMPLICATIONS**

Nil

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

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

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/234

MOVED: Cr Stephen Kiernan

SECONDED: Cr Craig Hoyer

That Council accept the 2010/2011 Annual Report as presented.

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 6 - 0

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

**11.3 PROFFESIONAL SUITES – MEDICAL AND BUSINESS AT LOT 1632  
MINDARRA DRIVE, NEWMAN, BE ACCEPTED AS AGENDA ITEM 11.3.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/235**

**MOVED: Cr Craig Hoyer**

**SECONDED: Cr Darren Bennetts**

**THAT the Professional Suites – Medical and Business at Lot 1632 Mindarra Drive, Newman be accepted as agenda item 11.3.1**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

**11.3.1 PROFFESIONAL SUITES – MEDICAL AND BUSINESS AT LOT 1632  
MINDARRA DRIVE, NEWMAN**

**File No:** A408521  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Senior Administration Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

*2:07 PM Ms Sian Appleton left Chambers.*

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**REPORT PURPOSE**

For Council to approve the division of Lot 1632 Mindarra Drive, Newman.

**BACKGROUND**

Previously, Council resolved to obtain Lot 1632 Mindarra Drive, Newman, as a freehold lot (See Council Minutes 26 August 2011, 11.1.1). The purpose of this resolution was to allow Council to enter into a venture/development on the site that will result in the creation of an ongoing income stream for the Shire. Having said that, the Newman Town Centre Revitalisation Plan (NRP) has identified the subject lot for the purpose of offices, consulting rooms and medical suites due to its close proximity to the hospital campus and the need for centrally located facilities in Newman.

**COMMENTS/OPTIONS/DISCUSSIONS**

Recently, the Shire has been approached by the Puntukurnu Aboriginal Medical Service (PAMS) about the possibility of constructing a medical/dental clinic on the subject lot. PAMS have advised they already have access to funding to construct the proposed facility which will be available for use by the entire community. The facility will consist of an Administration Centre, Medical/Dental Clinic, Common Facilities Area, Programs Centre and Utility Room. See attachment marked "A".

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After discussing this matter with the Department of Regional Development and Lands (RDL), they have suggested that it is quite feasible to divide Lot 1632 Mindarra Drive, into 2 lots. Approximately 4,600m<sup>2</sup> would be available for the construction of a Medical/Dental Clinic by PAMS. The remaining 1,020m<sup>2</sup> (approx) would be available for use by Council in accordance with the NRP. Please see attached map marked "B".

This land could then be utilised by Council to build professional suites with onsite accommodation.

The Shire has received support from the RDL to go ahead with the proposed subdivision. However, Council must also resolve to agree to the proposal.

Councillors should note that the previous resolution (11.1.1 of 26 August 2011) marked "C" will not affect the making of this decision. The construction of a medical/dental clinic on the subject lot is clearly within the parameters of the NRP. Therefore, is no need to revoke the previous resolution.

Additional information in draft form is attached marked "D".

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil at this time.

#### **POLICY IMPLICATIONS**

The construction of any facility on this site (Lot 1632 Mindarra Drive, Newman) shall comply with the plans set out in the Newman Town Centre Revitalisation Plan.

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

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

Supporting Opportunities that Encourage Growth and Diversity

##### **1.6 Planning for Land**

- 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land
  - Ongoing – Lobbying/Advocacy role
  - How funded – Municipal Funds
  - Responsible Directorate – Executive and Development and Regulatory Services

#### **FINANCIAL IMPLICATIONS**

Nil at this time.

#### **VOTING REQUIREMENTS**

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/236

MOVED: Cr Darren Bennetts

SECONDED: Cr Craig Hoyer

THAT Council support the division of Lot 1632 Mindarra Drive, Newman, to utilise for medical suites by Puntukurnu Aboriginal Medical Service and portion to the Shire of East Pilbara for Professional Suites.

CARRIED  
RECORD OF VOTE: 6 - 0

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

## **12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

### **12.1 MEETING CLOSED TO MEMBERS OF THE PUBLIC**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/237**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Craig Hoyer**

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

- (a) A matter affecting an employee or employees.

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

### **12.2 ACCEPTANCE OF THE APPOINTMENT OF DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES AS AGENDA ITEM 12.2.1**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/238**

**MOVED: Cr Kevin Danks**

**SECONDED: Cr Craig Hoyer**

**THAT the Acceptance of Appointment of Director Technical and Development Services be accepted as agenda item 12.2.1**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0**

#### **12.2.1 APPOINTMENT OF DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES**

**File No:** ADM-1-1  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mr Allen Cooper  
Chief Executive Officer  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

2:14 PM Mrs Sheryl Pobrica left Chambers.

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### **REPORT PURPOSE**

To inform Council of the proposal to employ a Director Technical and Development Services who is classified a senior employee.

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OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/239

MOVED: Cr Kevin Danks

SECONDED: Cr Sue Owen

THAT:

1. Council accept the Chief Executive Officer's recommendation to employ, Mr Rick Miller as the Director Technical and Development Services.
2. The common seal of Shire of East Pilbara be affixed to the employment contract between Shire of East Pilbara and Mr Rick Miller for a period of two years.

CARRIED  
RECORD OF VOTE: 6 - 0

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

### 12.3 MEETING OPEN TO MEMBERS OF THE PUBLIC

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/240

MOVED: Cr Darren Bennetts

SECONDED: Cr Kevin Danks

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

CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 6 - 0

2:22 PM      *Mrs Sheryl Pobrica returned to the Chambers*

### **13 GENERAL BUSINESS**

#### **13.1 ROAD SWEEPING – NEWMAN**

Cr Craig Hoyer asked if the roads can be swept in Newman with the road sweeper.

Mr Allen Cooper replied the contractor is having mechanical problems with one of their machines and inquiries are being made getting another machine.

Chief Executive Officer to follow up.

#### **13.2 NULLAGINE ENTRY STATEMENT**

Cr Darren Bennetts asked if Nullagine would be able to get an Entry Statement as Marble Bar and Newman.

Mr Allen Cooper replied, Nullagine community did not want an entry statement a few years ago but it could be reconsidered.

#### **13.3 NULLAGINE TENNIS COURTS**

Cr Darren Bennetts asked if a roof could be installed over the Tennis Courts, also there is mining companies who are interested to help fund the project.

Mr Allen Cooper asked if Cr Darren Bennetts could complete a budget form to be considered in the next budget.

#### **13.4 PIRI-SMITH RETIREMENT UNITS MARBLE BAR**

Cr Sue Owen said that Prim Dorrington a long term resident of Marble Bar who lived in the Piri Smith retirement units passed away last week.

Due to the vacancies of the units at the Piri Smith Retirement Units is it possible for Council to review the policy to better utilise the units.

Deputy Chief Executive Officer to follow up.

#### **13.5 SEAT BENCHES – MARBLE BAR**

Cr Sue Owen asked if the seat bench could be replaced under the water tank and also replace the missing one in the RSL park.

Technical Services to follow up.

#### **13.6 MARBLE BAR HERITAGE TRAIL**

Cr Sue Owen asked if the Marble Bar Heritage Trail could be checked for missing signs to be replaced and cleaned up before Tourist Seasons starts.

Technical Services to follow up

**13.7 MARBLE BAR – PORT HEDLAND ROAD – TERM NETWORK CONTRACT**

Cr Sue Owen stated since McMahons has taken over from BGC with the term network contract. There has been a number of issues particularly when the road is cut off due to weather / water between Port Hedland and Marble Bar there is no one on Marble Bar side to control the road sign open/closed and it becomes confusing because it could be closed on Marble Bar side but open on Port Hedland side, Main Roads need to rectify this for the road users. Also when the road is closed due to flooding, not enough signs are put up to notify drivers.

Technical Services to follow up.

**13.8 MARBLE BAR – PORT HEDLAND ROAD – TRAFFIC HAZZARD**

Cr Sue Owen said the road to Hedland is becoming a hazard with the triple road trains on the main roads as the trays / tyres flick rocks onto the roads and also passing vehicles getting their windows broken it is becoming a hazard. These trucks should be responsible to make sure their trays do not allow rocks to fall from the trucks.

Technical Services to follow up.

**13.9 MARBLE BAR CEMETERY SEATING/SHADE**

Cr Stephen Kiernan asked if the shade and seating has been arranged at the Marble Bar Cemetery.

Mr Allen Cooper replied, yes, it has been arranged and will be installed very soon.

**13.10 MARBLE BAR PIONEER CEMETERY – CLEAN UP**

Cr Stephen Kiernan asked when the clean-up will be happening at the Marble Bar Pioneer Cemetery.

Mr Allen Cooper replied yes it has been arranged with Marble Bar Works Supervisor who is coordinating with CDEP.

**13.11 MARBLE BAR TOWN SPLIT WHEN FLOODING**

Cr Stephen Kiernan said when there is a significant amount of rain, the town of Marble Bar splits into two because the creek cuts the town. This causes a problem with LEMC and how to get the residents to shelters.

Coordinator Ranger and Emergency Services to follow up.

**13.12 MARBLE BAR ROAD –HAUL ROAD**

Cr Lang Coppin stated when you fly over Bonney Downs you can see a sealed road running parallel to Marble Bar Road from the BC Iron Mine site to FMG Mine site and then you see Marble Bar Road which is a gravel road. This is a disgrace from the State Government who owns the road, this should be sealed.

**14 DATE OF NEXT MEETING**

27th April 2012, Newman

**15 CLOSURE**

2:45 PM