



EAST PILBARA SHIRE COUNCIL

AGENDA

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council will be held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 24 AUGUST 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

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

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Kylie Bergmann

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

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Cr Sue Owen

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 NEWMAN HOTEL/MOTEL DEVELOPMENTS

Mr Marcus Gilmore from Newman Hotel Motel will be providing to Council an update regarding the developments at the hotel/motel.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes July 28 2012 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 28 July 2012, be confirmed as a true and correct record of proceedings.

8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCILS DECISIONS - JULY 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

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

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
3 February 2012	11.1.1	RESIDENTIAL INFILL PROGRAM (LAZY LANDS), NEWMAN – PREPARED BY THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	CEO	Draft Tender documents prepared	On Going
27 April 2012	12.1.1	ANNUAL PERFORMANCE REVIEW APPRAISAL- CHIEF EXECUTIVE OFFICER	CEO	With Shire President	

**9.1.2 AFFIXING COMMON SEAL OF SHIRE OF EAST PILBARA TO
EMPLOYMENT CONTRACT - MANAGER TECHNICAL SERVICES -
NULLAGINE**

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

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Technical Services – Nullagine, Mr Harvey Hamersley.

BACKGROUND

The employment contract of Mr Harvey Hamersley has been extended for a further twelve month term, and now expires on 1 July 2013.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 27th June 2003

Objective:
To allow for the proper execution of documents.

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

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the common seal of the Shire of East Pilbara be affixed to the Employment Contract, extended for a further twelve month term expiring on 1 July 2013, between the Shire of East Pilbara and Mr Harvey Hamersley, Manager Technical Services-Nullagine.

9.1.3 PERMISSION TO COLLECT NATIVE PLANT SEED

File No: ENV-5-3
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: Greening Australia WA (GAWA)
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider a request to collect native plant seeds from within reserves vested to the Shire of East Pilbara.

BACKGROUND

Ms Kelley Turner, on behalf of Greening Australia WA (GAWA), has sought permission from the Shire of East Pilbara to collect native plant seed from within reserves vested to the Shire of East Pilbara.

Permission is sought for a 12 month period only.

No record of a previous licence has been found in Council files.

COMMENTS/OPTIONS/DISCUSSIONS

The collection of native seeds is not covered in Council's Policy Manual.

With the increase in mining activity and the requirement of revegetation under the *Environmental Protection Act 1986*, it would be reasonable to expect that the collection and propagation of native plants for this purpose would also increase.

West Australian native flora and fauna is protected under the *Wildlife Conservation Act 1950*, and the taking of flora for any purpose requires a licence. That licence shall be accompanied by written permission from the owner of the land or authority having care or control of the land.

Council is requested to consider permitting the collection of native plant seeds on Crown Land vested within reserves vested to the Shire of East Pilbara.

To retain the native vegetation on road reserves it is recommended that collection of native plant seeds from the road reserves be declined.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Functions of local governments Part 3

Executive functions of local governments Division 3 s. 3.54

3.54. Reserves under control of a local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

[Section 3.54 amended by No. 49 of 2004 s. 74(4).]

Wildlife Conservation Act 1950

23A. Property in protected flora on Crown land

- (1) The property in protected flora on Crown land, until lawfully taken, is, by virtue of this Act, vested in the Crown.*
- (2) The provisions of subsection (1) do not entitle any person to compensation.*

[Section 23A inserted by No. 86 of 1976 s. 12.]

23B. Protected flora on Crown land not to be taken without a licence

- (1) A person shall not on Crown land wilfully take any protected flora unless the taking of the protected flora is authorised by, and carried out in accordance with the terms and conditions of, a licence issued to him under section 23C.*
- (2) In any proceedings for an offence against subsection (1) it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner.*

[Section 23B inserted by No. 86 of 1976 s. 13 (as amended by No. 28 of 1979 s. 5); amended by No. 57 of 1997 s. 132(23).]

23C. Licences to take protected flora on Crown land

- (1) Any person may, in the prescribed form containing or accompanied by the prescribed particulars and on payment of the prescribed fee, apply to the Minister for the issue to him of a licence to take protected flora on Crown land*
 -
 - (a) for commercial purposes; or*
 - (b) for scientific purposes or any prescribed purpose,**and the Minister may issue or refuse to issue such a licence.*
- (2) Subject to this section a licence issued authorises the licence holder, subject to such terms and conditions as are specified in the licence, to take for the purposes so specified on such areas of Crown land as are so specified and during such period or periods as are so specified, the classes or descriptions of protected flora so specified.*

- (2a) *Subject to subsection (5), a licence is valid from the date of issue for the period stated in the licence.*
- (3) *Without limiting the terms or conditions which may be included in a licence issued under this section, the terms and conditions on which a licence to take protected flora for commercial purposes may be granted may include terms or conditions —*
- (a) *providing that flora taken under the authority of the licence be charged with payment of royalties to the Chief Executive Officer by the licence holder at such rate or rates as are specified in the terms or conditions;*
 - (b) *requiring the licence holder to ensure that any protected flora taken pursuant to the licence is marked, tagged or otherwise made identifiable as flora taken by him.*
- (4) *Any royalties payable pursuant to the terms or conditions of a licence issued under this section —*
- (a) *shall be credited by the CEO to the Nature Conservation and National Parks Account referred to in the Conservation and Land Management Act 1984section 68(1); and (b) may be sued for and recovered by the CEO as a debt due to him in his capacity as such.*
- (4a) *The Minister may reduce or waive the fee payable in respect of a licence issued under this section.*
- (5) *The Minister may at any time, by notice in writing served on a person to whom a licence has been issued under this section, revoke the licence, but the revocation does not affect any liability or obligation incurred by the person prior to the revocation.*

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

1. THAT Council decline the request from Greening Australia WA to collect native plant seed from within Road Reserves vested in the Shire of East Pilbara.
2. THAT Council approve the request from Greening Australia WA to collect native plant seed from Crown Land vested in the Shire of East Pilbara (other than Road Reserves), subject to the following conditions:
 - a. that native plant seed shall only be taken from within the town sites of Newman, Nullagine and Marble Bar and the Marble Bar and Nullagine town commons;
 - b. a maximum of 25% of seed only to be taken in any one area;
 - c. permission is granted for a 12 month period beginning September 2012;
 - d. all persons collecting native seed are licenced according to the *Wildlife Conservation Act 1950* and will abide by the conditions of this licence;
 - e. permission is granted to staff members of Greening Australia (WA) only;
 - f. appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;
 - g. all care will be taken to avoid the disturbance of fauna habitat; and
 - h. all care will be taken to avoid any disturbance that may lead to soil degradation.

9.1.4 MAJOR LAND TRANSACTIONS AND EXEMPT LAND TRANSACTIONS

File No: PLN-3-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to encourage and support a change to section 8A of the *Local Government (Functions and General) Regulations 1996* (the Regulations).

BACKGROUND

Pursuant to section 3.59 of the *Local Government Act 1995* (the Act), a local government must prepare a business plan before it enters into a major land transaction. A major land transaction is defined in section 8A of the Regulations. For local governments with less than 20,000 residents, a major land transaction is defined as a land transaction which exceeds:

- (a) 2 million dollars; or
- (b) 10% of the local government's operating expenditure for the last completed financial year,

whichever is the lesser of the two.

By contrast, those local governments in the metropolitan area, or with more than 20,000 residents, have a threshold of 10 million dollars before they must complete a business plan.

The task of preparing a business plan can be simple or complex depending on the project being undertaken. For those projects defined as 'major land transactions,' the task of preparing a business plan can be difficult and will most likely need to be outsourced. This adds another part to the process and could create a further delay in getting the project off the ground and adds additional cost.

The process of adopting a business plan is likened to the local laws process whereby the local government must first prepare the business plan, then give Statewide public notice calling for submissions. The time for making a submission shall be open for six weeks. Council must then consider any submissions made and decide on the proposed transaction. A further public notice is then issued if the proposed transaction is approved by Council. It is not a quick or easy process.

COMMENTS/OPTIONS/DISCUSSIONS

Newman, and indeed other towns in the East Pilbara, have less than 20,000 residents. Therefore, Council must prepare a business plan for those major land transactions which exceed 2 million dollars.

With the unprecedented shortage of land and accommodation in the Pilbara, the cost of land, labour and building is at an all-time high. A 3 by 1 single story house in Newman can sell anywhere upwards from 1 million dollars. The mining industry in the Pilbara is continuing to expand and with this, companies require additional land and housing for their workers. This in turn puts increased pressure on local government services to expand with the increased population. All these factors combined, create a situation whereby it is not uncommon for the cost of local government projects to easily exceed 2 million dollars.

The purpose of this report is to seek Council's support to lobby the State Government to amend this threshold to at least 4 million dollars for those local governments outside the metropolitan area and with less than 20,000 residents. This will create an exemption to the requirement to create a business plan for those transactions under 4 million dollars. The support of all local governments in the Pilbara is essential and in this regard, the Pilbara Regional Council will also be asked to make a similar resolution.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 3 – Functions of local governments

Division 3 – Executive functions of local governments

Section 3.59 – Commercial enterprises by local governments

Local Government (Functions and General) Regulations 1996

Part 3 – Commercial enterprises by local governments

Regulations 8A – Major land transactions and exempt land transactions

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.3 Community Planning

1.6 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 Services

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council encourage and support a change to Regulation 8A of the *Local Government (Functions and General) Regulations 1996*, so that the amount prescribed for a major land transaction, for local governments outside the metropolitan area and with less than 20,000 residents, be increased to a minimum of 4 million dollars.

**9.1.5 SHIRE OF EAST PILBARA DRAFT PUBLIC PLACES AND LOCAL
GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2012**

File No: LEG 5-7
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To obtain Council approval for the release of the Public Places and Local Government Property Amendment Local Law 2012 (Property Amendment Local Law 2012).

BACKGROUND

At its Ordinary meeting held on 3 February 2012, the Council of the Shire of East Pilbara resolved:

“THAT Council endorse the following local laws as attached, that they be gazetted and the common seal be affixed to the local law:

- *Dogs Local Law 2011*
- *Fencing Local Law 2011*
- *Bush Fire Brigades Local Law 2011*
- *Parking and Parking Facilities Local Law 2011*
- *Health Local Law 2011*
- *Public Places and Local Government Property Local Law 2011.”*

The Public Places and Local Government Property Local Law 2011 (Property Local Law 2011), was gazetted on 26 March 2012. A copy was sent to the Joint Standing Committee on Delegated Legislation (JSCDL) on 18 April 2012 for their consideration.

On 15 May 2012, we received a facsimile from the JSCDL noting some concerns with our Property Local Law 2011. A copy of that facsimile is **attached**, together with our response.

On 12 June 2012, we received a further facsimile from the JSCDL requesting that the Shire make an undertaking to amend its Property Local Law 2011. A copy of that facsimile is **attached**, together with our response.

After reviewing the JSCDL’s comments again, we noted that there was an inconsistency in the amendment to clause 5.1(1). In the first instance, “A Manager or

an authorised person **shall** refuse admission to...” It then goes on to say, “...**may** direct to leave...” The JSCDL noted that a Manager lacks discretionary power to admit persons to a facility. However, we were unsure as to whether a Manager or authorised person also lacked discretionary power to direct a person to leave.

The JSCDL’s views were sought on this point and they advised that no further amendment to the clause is required. The JSCDL prefers the clause to be amended, as advised in their facsimile of 12 June 2012, because:

- (1) that is the wording of the WALGA *pro forma*; and
- (2) it gives the Manager the option to try asking a person to leave the pool area first and then, in the worst case scenario, remove the person.

COMMENTS/OPTIONS/DISCUSSIONS

Pursuant to the JSCDL’s recommendations, and the undertaking the Shire has taken, the Council must proceed to amend its Property Local Law 2011.

This involves the same process as adopting a new local law. Pursuant to section 3.12(2) of the *Local Government Act 1995* (the Act), Council must consider the purpose and effect of the proposed local law before advertising it for public comment.

The **purpose** of this local law is to amend the Property Local Law 2011, which was published in the *Government Gazette* on 26 March 2012.

The **effect** of this local law is to align the Property Local Law 2011 with current State laws and policies and to comply with the JSCDL’s recommendations for amendment.

Pursuant to section 3.12 of the Act, a Local Government is to develop local laws in conjunction with input from their respective communities. Therefore, it is recommended that Council approve the release of the Property Amendment Local Law 2012 for public comment.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 – Functions (Division 2 – Legislative functions) (Subdivision 2 – Local laws made under any Act) 3.12. Procedure for making local laws (pg43).

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

3.4.1 Ensure compliance with relevant Statutes and statutory authorities

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

How funded – Municipal Funds

Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

Costs involved in amending this local law are administrative and advertising. It is estimated that the cost would be \$100.00 and can be funded from Account 41146.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

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

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9.2 DEPUTY CHIEF EXECUTIVE OFFICER

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

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer report for July 2012 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by PRC	
11 March 2011	13.2	PIPUNYA PROPERTY 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? Deputy Chief Executive Officer to follow up.	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 had a meeting 13th March 2012 in Marble Bar still waiting for outcome
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	Sewerage and Concrete connection	September 2012
3 February 2012	9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	CPS	With WALGA	On Going
25 May 2012	9.2.6	OFFICIAL OPENING FOR ROYALTIES FOR REGIONS PROJECTS	DCEO	Minutes Contested ambury possible dates	On Going
28 July 2012	9.2.10	RFT11/2011-12 CONCEPT DESIGN FOR THE PROPOSED CIVIC CENTRE IN NEWMAN	CPS		On Going

9.2.2 HAULPAK PROPOSAL

File No: FIN-8-6
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 decide if they wish to accept the offer, from BHP Billiton, of a gifted haulpak to use as a tourist attraction and if so where it should be placed.

BACKGROUND

At a recent meeting, BHP Billiton offered to gift Council a haulpak truck which was to be used as a tourist attraction within the town of Newman.

COMMENTS/OPTIONS/DISCUSSIONS

The Visitors Centre currently has one haulpak that is widely used as a photographic opportunity for tourists. BHP Billiton has another haulpak truck that they are willing to gift to Council.

BHP Billiton representatives do have a preferred site around either entry sign into Newman. BHP Billiton would like this truck to be interactive. The proposed site is subject to approval by Main Roads.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities for Tourism

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

1. accept the haulpak truck as a gift from BHP Billiton subject to there being no cost to Council including establishment costs;
2. make recommendations for possible sites for the haulpak;
3. authorise the Chief Executive Officer to negotiate with BHP Billiton and Main Roads as to the placement of the truck;
4. authorise the Chief Executive Officer to investigate public liability responsibility if the truck is make interactive.

9.2.3 AFFIXING COMMON SEAL TO LEASE AGREEMENT - NEWMAN PISTOL CLUB

File No: A400091
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Newman Pistol club lease for Reserve 38609, Lot 2314 Newman.

BACKGROUND

The Newman Pistol Club lease expires on the 1st August 2012 at Reserve 38609 and the Association has requested to enter into a new lease agreement.

The original lease agreement was issued for 21 years. This request put forward is for a period of 5 years, with an option period of an additional 5 years, being a 10 year lease.

Many of the local organisations are starting to show signs of not being able to maintain and operate association/clubs effectively, with reduction of members, increase costs of utilities and insurances; therefore for the viability of the association a reduction is recommended

COMMENTS/OPTIONS/DISCUSSIONS

The lease between the Shire of East Pilbara and the Newman Rifle Club is subject to the following approvals;

1. Term of lease, 5 years with option of additional 5 years.
2. Maintenance – lessee is responsible for all outgoings
3. Utilities – responsibly of lessee
4. The Newman Rifle Club to provide to the Shire of East Pilbara with a current committee list and a copy of public liability and building insurance annually.
5. Lease documentation - No cost to Council, the lessee is responsible for the documentation and preparation costs for the lease renewal.
6. Fees and charges apply, as per Annual Service Fee applies to all properties leased by Council.

7. Minister approval is required in accordance with the management order. (The purpose of the Management Order is "Club and Clubrooms").
8. All buildings must comply with Planning, Building and Health Regulations and conditions.
9. No subletting unless approved by Council and Minister.
10. Caretakers dwelling, subject to approval by Council's Planning, Building and Health.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

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 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the lease agreement between the Shire of East Pilbara and the Newman Pistol Club lease for Reserve 38609, Lot 2314 Newman.

9.2.4 AFFIXING COMMON SEAL TO LEASE AGREEMENT – NEWMAN RIFLE CLUB

File No: A444387
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer and President have signed and applied the Shire of East Pilbara's common seal to the Newman Rifle Club, Deed of Surrender of Lease for portion of Reserve 44387, Lot 2347, vested to the Shire of East Pilbara

BACKGROUND

Over approximately 5 years of liaising with the some representatives of the Newman Rifle Club and the Western Australian Rifle Association, the Newman branch has not been able to form and committee, provide copies of insurances or meet the conditions of the lease.

Several attempts had been made to utilise the land with the Army Reserves and Police Department for a practice facility. Upon inspections by the regulatory bodies the facility was none compliant and required substantial amount of works and money to bring the facility to standard that would comply with the regulatory bodies.

We engage McLeod's Barristers and Solicitors to assist with Deed of Surrender in which we were only about to get one member to sign the document and no common seal was applied. As this does not be the conditionings to surrender then lease, the Shire of East Pilbara issued a Notice of Termination to Newman Rifle Club.

The land is vacant and has no structures on site.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara will be covering the cost of the Deed of Surrender of lease by the Newman Rifle Club

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

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 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed by the Deed of Surrender of Lease for the Newman Rifle Club for of land at Reserve 444387, Lot 2347.

9.2.5 AFFIXING COMMON SEAL TO LEASE AGREEMENT – NEWMAN SPORTS SHOOTERS ASSOCIATION

File No: A416591
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to Newman Sporting Shooters Association lease for Reserve 38610, Lot 1638 Newman.

BACKGROUND

The Newman Sporting Shooters Association lease expires on the 1st September 2012 at Reserve 38610 and the Association has requested to enter into a new lease agreement.

The original lease agreement was issued for 21 years. This request put forward is for a period of 5 years, with an option period of an additional 5 years, being a 10 year lease.

Many of the local organisations are starting to show signs of not being able to maintain and operate association/clubs effectively, with reduction of members, increase costs of utilities and insurances; therefore for the viability of the association a reduction is recommended

COMMENTS/OPTIONS/DISCUSSIONS

The lease between the Shire of East Pilbara and the Newman Sporting Shooters Association is subject to the following approvals;

11. Term of lease, 5 years with option of additional 5 years.
12. Maintenance – lessee is responsible for all outgoings
13. Utilities – responsibly of lessee
14. The Newman Sporting Shooters Association to provide to the Shire of East Pilbara with a current committee list and a copy of public liability and building insurance annually.
15. Lease documentation - No cost to Council, the lessee is responsible for the documentation and preparation costs for the lease renewal.

16. Fees and charges apply, as per Annual Service Fee applies to all properties leased by Council.
17. Minister approval is required in accordance with the management order. (The purpose of the Management Order is "Club and Clubrooms").
18. All buildings must comply with Planning, Building and Health Regulations and conditions.
19. No subletting unless approved by Council and Minister.
20. Caretakers dwelling, subject to approval by Council's Planning, Building and Health.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

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 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the lease agreement between the Shire of East Pilbara and the Newman Sporting Shooters Association lease for Reserve 38610, Lot 1638 Newman.

**9.2.6 AMENDMENT 2012/13 FEES AND CHARGES FOR AERODROME CAR
PARKING FEES NEWMAN**

File No: FIN 23-10; A400012
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Candice Porro
Expenditure Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to redefine car parking fees in Newman as currently cited in the 2012/2013 Fees and Charges in Function 12 – Transport.

BACKGROUND

The current Fees and Charges state car parking fees at Newman Airport be charged at the following rates of:

Short term car park - 1 to 3 hours	3.00	0.30	3.30
Short term car park - 3 to 6 hours	6.00	0.60	6.60
Short term car park - 6 to 12 hours	12.00	1.20	13.20
Short term car park - 12 to 24 hours	15.00	1.50	16.50

It is apparent that the current Fees and Charges imposed by the Shire of East Pilbara added GST to the amount which already included GST in error.

COMMENTS/OPTIONS/DISCUSSIONS

It is asked that the following changes be made to the Car Parking Fees:

Short term car park - 1 to 3 hours	2.73	0.27	3.00
Short term car park - 3 to 6 hours	5.45	0.55	6.00
Short term car park - 6 to 12 hours	10.91	1.09	12.00
Short term car park - 12 to 24 hours	13.64	1.36	15.00

All advertising undertaken to date have shown these figures as the correct car parking fees and prepaid cards have also been charged as per the above fees.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council endorse the changes to the 2012/2013 Fees and Charges as follows:

Short term car park - 1 to 3 hours	2.73	0.27	3.00
Short term car park - 3 to 6 hours	5.45	0.55	6.00
Short term car park - 6 to 12 hours	10.91	1.09	12.00
Short term car park - 12 to 24 hours	13.64	1.36	15.00

9.2.7 AMENDMENT 2012/2013 FEES AND CHARGES RECREATION FACILITIES

File No: FIN-24-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sharon Walsh
Manager Community Wellbeing
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement of an amendment to the 2012/2013 Fees and Charges document as it relates to recreation facilities.

BACKGROUND

Each year Fees and Charges are set for the variety of services and facilities provided for public use by the Shire of East Pilbara. These Fees and Charges are intended to be fair and equitable to all those who use them.

COMMENTS/OPTIONS/DISCUSSIONS

Background research was recently undertaken to assess how neighbouring Shires ascertain suitable fees and charges in relation to recreation and sporting facilities, particularly amounts charged for refundable bonds. Information was also sourced from the Department of Sport & Recreation, with regard to an easy to use formula, which is often used as a basis to formulate usage fees for public facilities.

It is considered an opportune time to use this available information as a planning guide, and the basis of an amendment to the current Fees and Charges relating to the Shire of East Pilbara sporting and recreation facilities.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6 - Financial management (Division 5 - Financing activities) (Subdivision 2 - Fees and charges) 6.16. Imposition of fees and charges (pg 218)

POLICY IMPLICATIONS

BUDGET PREPARATION

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council

- 1. Add the following Fees and Charges:**
Oval Bookings – Schools - Free
Court Bookings – Schools – Free
- 2. Delete the following Fees and Charges:**
Building Service Fees (Senior Sporting/Community Organisations)
Quarterly – Less than 13 weeks - \$500
Half Yearly – Less than 26 weeks - \$1000
Three Quarterly – Less than 39 weeks \$1500
Annual – 52 weeks - \$2000
- 3. Add the following Fees and Charges:**
Building Service Fees (Senior Sporting/Community Organisations)
Quarterly – Less than 13 weeks - \$1560
Half Yearly – Less than 26 weeks - \$3380
Three Quarterly – Less than 39 weeks \$5070
Annual – 52 weeks - \$6760
- 4. Add the following Fees and Charges:**
Storage Sheds/Facilities
Quarterly – Less than 13 weeks - \$250
Half Yearly – Less than 26 weeks - \$500
Three Quarterly – Less than 39 weeks \$750
Annual – 52 weeks - \$1000

- 5. Delete the following Fees and Charges
Commercial usage Bond (refundable) ie Travelling shows, event organisers \$2000 (N.B All commercial users of Council owned facilities are to pay a refundable bond of \$2000)**
- 6. Add the following Fees and Charges:
Council Facility Hire – Bonds – Refundable
Individual Hire (no alcohol) \$250
Individual Hire (alcohol) \$500
Not for Profit Hire (no alcohol) \$500
Not for Profit Hire (alcohol) \$1000
Commercial Hire (no alcohol) \$1000
Commercial Hire (alcohol) \$2000**
- 7. Impose the fees effective 24th September 2012**
- 8. Provide notice of the adopted fees as advertised, pursuant to Section 6.19 Local Government Act 1995.**

Oval Bookings					Please refer and charge applicable bonds in BONDS section
<u>Associations</u> - Long Term bookings (13 weeks or greater)	Yes	2272.73	227.27	2,500.00	(e.g. NNFL, Senior Soccer)
<u>Associations</u> - Short Term bookings (Less than 13 weeks)	Yes	9.09	0.91	10.00	(e.g. Vets, Touch Football) Per Hour, per team
<u>Teams</u>	Yes	9.09	0.91	10.00	Per Hour, per Team
<u>Junior Clubs / Sports</u>		Free		Free	Excludes waste removal and lighting
<u>Schools</u>		Free		Free	
<u>Individuals</u>		Free		Free	
Casual Oval Hire Rates					Please refer and charge applicable bonds in BONDS section
Non Profit -	Yes	54.55	5.45	60.00	Per Day per Oval does not include oval lighting or waste removal
Commercial Organisations	Yes	109.09	10.91	120.00	Per Day per Oval does not include oval lighting or waste removal
Lions Fortescue Festival - Capricorn Oval Only		Free		Free	Oval Hire only - as per policy
Non Grassed Areas					Please refer and charge applicable bonds in BONDS section
Commercial	Yes	190.91	19.09	210.00	Per Day (Includes Power)
Oval Lighting					
<u>Training</u>	Yes	25.20	2.80	28.00	Per Hour
<u>Competition</u>	Yes	37.80	4.20	42.00	Per Hour

Court Bookings					
<u>Associations</u> - Long Term					
Booking (13 weeks or greater)	Yes	909.09	90.91	1,000.00	(e.g. Senior Netball, Tennis)
<u>Associations</u> - Short Term					
Booking (Less than 13 weeks)	Yes	4.55	0.45	5.00	(e.g. short term competitions) Charge per team/Per Hour
<u>Teams</u>	Yes	4.55	0.45	5.00	Per team, per Hour
<u>Junior Clubs / Sports</u>		Free		Free	Excludes waste removal
<u>Commercial usage</u> i.e. -					
travelling shows	Yes	272.73	27.27	300.00	Per Day (excludes power & waste removal)
<u>Schools</u>		Free		Free	
<u>Individuals</u>		Free		Free	
Court Lighting					
Tennis courts and Netball courts	Yes	10.91	1.09	12.00	\$12 per Court per Hour
Leases/Licences/Hire of Buildings on Council Reserves					
Community/Sporting Organisations					
Annual Service Fee (for leases only)	Yes	454.55	45.45	500.00	All community & sporting leases from 1/1/09
Caretakers Annual Fee	Yes	227.27	22.73	250.00	To be invoiced 1st January - Annually
Caretakers Annual Fee - initial application less than 26 weeks	Yes	113.64	11.36	125.00	
Building Service Fee (Junior Sporting / Community Organisations only)					
Quarterly - Less than 13 weeks	Yes	227.27	22.73	250.00	Community or sporting organisations, invoiced from 1st January or 1st July annually depending on season
Half Yearly - Less than 26 weeks	Yes	454.55	45.45	500.00	
Three Quarterly - Less than 39 weeks	Yes	681.82	68.18	750.00	

Annual - 52 weeks	Yes	909.09	90.91	1000.00	
Building Service Fee (Senior Sporting / Community Organisations only)					
Quarterly - Less than 13 weeks	Yes			1560.00	Community or sporting organisations, invoiced from 1st January or 1st July annually depending on season
Half Yearly - Less than 26 weeks	Yes			3380.00	
Three Quarterly - Less than 39 weeks	Yes			5070.00	
Annual - 52 weeks	Yes			6760.00	
Storage Sheds / Facilities					
Quarterly - Less than 13 weeks	Yes	227.27	22.73	250.00	Community or sporting organisations, invoiced from 1st January or 1st July annually depending on season
Half Yearly - Less than 26 weeks	Yes	454.55	45.45	500.00	
Three Quarterly - Less than 39 weeks	Yes	681.82	68.18	750.00	
Annual - 52 weeks	Yes	909.09	90.91	1000.00	
Newman Junior Sports Pavilion					
Please refer and charge applicable bonds in BONDS section					
Casual Room Hire - Toilets					
	Yes	18.18	1.82	20.00	Per Hour
Casual Room Hire - Change Rooms					
	Yes	18.18	1.82	20.00	Per Hour
Casual Room Hire - Kitchen and Function Room					
	Yes	18.18	1.82	20.00	Per Hour
Newman Senior Sports Pavilion					
Please refer and charge applicable bonds in BONDS section					
Casual Room Hire - Toilets					
	Yes	18.18	1.82	20.00	Per Hour

Casual Room Hire - Change Rooms	Yes	18.18	1.82	20.00	Per Hour
Casual Room Hire - Kitchen and Function Room	Yes	18.18	1.82	20.00	Per Hour
Council Facility Hire - Bonds - Refundable					
Individuals Hire (no alcohol)	No			250.00	
Individuals Hire (alcohol)	No			500.00	
Not for profit Hire (no alcohol)	No			500.00	
Not for profit Hire (alcohol)	No			1000.00	
Commercial Hire (no alcohol)	No			1000.00	
Commercial Hire (alcohol)	No			2000.00	
Oval / Green Space Refundable BOND - Commercial use Bond	No	2000.00	0.00	2000.00	i.e. travelling shows, event organisers.
Council Facilities Cleaning Bond (Refundable)	No	1000.00	0.00	1,000.00	Per Booking. Refunded on handover
Tennis Court Access Key Bond	No	20.00	0.00	20.00	
Mobile CCTV Equipment Bond	No	500.00	0.00	500.00	
Fire Extinguisher Bond (per item)	No	100.00	0.00	100.00	

9.2.8 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: Mrs Candice Porro
Expenditure Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 27 July 2012.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT16019-EFT1306	2,205,787.43
	Total	\$2,205,787.43
Cheque Payments	21501-21544	345,577.77
Written Cheque Payments	19-24	26,826.91
	Total	\$372,404.68
	GRAND TOTAL	<u>\$2,578,192.11</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES
21531

CANCELLED CHEQUES & EFTS

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$2,578,192.11

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT16019-EFT1306	2,205,787.43
	Total	\$2,205,787.43
Cheque Payments	21501-21544	345,577.77
Written Cheque Payments	19-24	26,826.91
	Total	\$372,404.68
	GRAND TOTAL	\$2,578,192.11

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9.3 DIRECTOR TECHNICAL SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF
COUNCIL DECISIONS REPORT FOR JULY 2012**

File No: CLR 4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

(1) The council –

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

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

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

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

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

THAT the “Status of Council Decisions” – Director Technical and Development Services report for July 2012 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	With WAPC for Final Approval	On Going
28 January 2011 16 December 2011	9.3.3 9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT REFINE THE USE OF AIRPORT LAND	MAS	Awaiting response from State Land Office Forwarded to Legal Council for Action	TBA
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school.	MTS-R DTDS	Technical Services to carry out road assessment including obtaining traffic counts, speeds etc – Data has been collected and is currently being assessed and report will be tabled.	August 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.	MTS-R DTDS	Staff to investigate funding opportunities. Cr Coppin offered to show staff possible locations for signs/plaques	In Progress
23 March 2012	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.	CRES	This should be addressed through MB LEMC to find/seek suitable solutions and request to SOEP to implement.- CRES has spoken with Cr Kiernan and advised it is a FESA issue	Completed
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS	Technical Services to review requirement of tender & length of contract before re-tendering	Pending

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
27 April 2012	13.5	PARKING WHELSH DRIVE Cr Doug Stead asked if it is possible to get proper car parking across from the Tyre Shop on Welsh Drive as the verge is becoming congested with people parking. Technical Services to review.	DTDS	Vehicles parked on the verge are as a result of insufficient space being made available by businesses for their clients. Lots appear to be used as storage space for old vehicle/equipment and businesses are using the vacant verge as parking for vehicles to be serviced. Requires further investigation on justification and funding sources. Staff to discuss issue with businesses to seek solution	August 2012
27 April 2012	13.10	TREE PLANTING FOR MAIN ENTRANCE - NULLAGINE Cr Darren Bennetts asked if trees can be planted at the main entrance into Nullagine. Technical Services to follow up.	MTS-R	This area is within the Main Roads Reserve and as such will require approval from Main Roads. Approval and or comment have been requested from Main Roads to plant trees within the road reserve	In Progress
25 May 2012	11.2.1	LINFOX REQUEST TO ACQUIRE/LEASE PORTION OF LOT 36 KOONDRA LOCATION (OPPOSITE AIRPORT)	MDS-P	With Solicitor to follow up with RDL	On Going
25 May 2012	11.3.1	EXCISION OF PORTION OF RESERVE 41654 BEING LOT 511 KURRA STREET, NEWMAN	MDS-P	With RDL for actioning and approval	On Going November 2012
25 May 2012	13.3	WELSH DRIVE Cr Shane Carter said from Mia Mia to Klondyke Place the road has double white lines, as BHP have the bus	MTS-R	Under traffic Act you should not cross double white lines. Bus Stop location will be further	August 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		stop and when the bus stops people go over the white line and going into the path of oncoming traffic. Is it possible for the Shire to clarify the legality of crossing the double white lines. Director Technical and Development Services to follow up.		Bus Stop location will be further investigated	
22 June 2012	9.3.5	PROPOSED CLOSURE OF PORTION OF MOONDOOROW STREET ROAD RESERVE ADJOINING LOTS 1326 & 1322, NEWMAN	MDS-P	Forwarded to DRDL	November 2012
22 June 2012	13.1	WATER QUALITY – MARBLE BAR Cr Stephen Kiernan said the water quality for Marble Bar is deteriorating and he as a resident would not drink the water. Cr Kiernan would like the Shire to request a report from the Water Corporation on the quality and composition. He also requested that the Shire of East Pilbara undertake independent sampling and testing. - Mr Rick Miller, Director Technical and Development Services to follow up	MDS-H	Results of independent tests have arrived; water analysis indicates that it meets the required drinking guidelines for the parameters tested with the exception of hardness and total soluble salts. Water is safe to drink. The main effects is the inability of the water to lather easily and effect on hot water systems as for scaling is concerned Comparison of results against guidelines will be tabled – Letter to Water Corporation	August 2012
22 June 2012	13.5	MARBLE BAR ROADS GRADING Cr Lang Coppin gave a letter to Mr Rick Miller, Director Technical and Development Services from the Marble Bar Tourist Association regarding the grading of roads and putting up various directional signage. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	Technical Services to assess signage request and action as required. Many of the roads have not been graded by Shire and are not on our ownership inventory. We normally don't have jurisdiction to carry works on land not controlled by Shire. Locations and roads to be investigated to determine	October 2012

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

24 AUGUST 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
				responsibility and ownership.	
28 July 2012	9.3.4	PROPOSED TOWN PLANNING SCHEME AMENDMENT - LOT 1 TROTMAN AVENUE AND LOTS 21 AND 22 GILES AVENUE, NEWMAN	MDS-P	Forwarded to WAPC and EPA for consent to advertise	December 2012
28 July 2012	9.3.5	PROPOSED TOWN PLANNING SCHEME AMENDMENT - UNALLOCATED CROWN LAND ON NEWMAN DRIVE, NEWMAN	MDS-P	Forwarded to WAPC and EPA for consent to advertise	December 2012
28 July 2012	13.1	CAPRICORN OVAL PARKING Cr Gerry Parsons asked if the parking at the Capricorn Oval could be reviewed and then line marked.	DTDS	To be investigated and assessed and proposal put forward	In Progress
28 July 2012	13.2	DOG EXERCISE AREA Cr Gerry Parsons asked if dog poo bags can be installed at the dog exercise areas.	DTDS	Additional signage on dog owner responsibility to be installed.	In Progress
28 July 2012	13.4	DINGO Cr Shane Carter said a dingo has been spotted near Boorthanna Park.	CRES	Rangers have noted and will keep an eye. Sightings can be reported to the Rangers	Completed
28 July 2012	13.5	RETICULATION MARBLE BAR Cr Sue Owen stated that there was water running down the street while the reticulation is on.	MTS-R	Sprinklers are tested and maintained on regular basis. Newman retic crew will visit to double check system	September 2012
28 July 2012	13.6	NO CAMPING SIGNS Cr Sue Owen asked if "No Camping" signs can be installed at the RSL Park.	MTS-R	Signage has been ordered and will be installed when received	August 2012
28 July 2012	13.7	MARBLE BAR AIRPORT UHF RADIO (HAND HELD) Cr Sue Owen asked if the UHF Radio could be made available for persons at the Marble Bar Office	MAS	To be investigated by MAS	In Progress
28 July 2012	13.8	MOLYMINE RUBBISH Cr Sue Owen asked if Spinifex Hill Moly Mine Site should be contributing towards the Marble Bar Refuse Site	MTS-R	To be investigated by MTS-R	In Progress
28 July 2012	13.9	GENERATOR AT MARBLE BAR AIRPORT Cr Sue Owen asked if a	MAS	To be investigated by MAS	In Progress

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		backup generator could be installed at the Marble Bar Airport.			
28 July 2012	13.10	HEAVY VEHICLES/ROADTRAINS Cr Craig Hoyer asked what type of heavy vehicles with multiple trailers on Welsh Drive. Director Technical and Development Services advised he will investigate what heavy vehicles are permitted to use on the road	MTS-R	Council currently permits RAV vehicles up to double road trains and 36.5min length to travel along Welsh Drive	August 2012

9.3.2 2012 AUSTRALIAN AIRPORTS ASSOCIATION (AAA) NATIONAL CONVENTION AND TECHNICAL WORKSHOP AND THE REGIONAL INDUSTRY CONSULTATIVE MEETING (RICM)

File No: FAC 1-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To determine Council and shire representatives to attend the Australian Airports Association's Annual Convention, AGM, Gala Evening and Technical Workshops for 2012. This convention is to be held by the Australian Airports Association in Melbourne from Tuesday the 13th to Friday 16 November 2012.

BACKGROUND

The Shire of East Pilbara is a member of the Australian Airports Association. This convention will provide the opportunity for Council and shire representatives to meet with other airport, airline and regulatory figures that share common issues and interests we experience with the operation of the Newman Airport. In addition, the National AGM of the AAA is to be held during this period.

As per request from AAA members, the Regional Industry Consultative Meetings (RICM) are scheduled to coincide with national and regional AAA meetings, although this has not been confirmed at the time of submitting this item.

COMMENTS/OPTIONS/DISCUSSIONS

This year's convention is to be held over four days in the Melbourne Convention & Exhibition Centre, Melbourne, Victoria:

Tuesday 13 November 2012

Melbourne Convention & Exhibition Centre

8.00am – 9.00am: Registration

9.00 am – 5.30pm: National Convention & Industry Exhibition

5.30pm – 6.45pm: Networking Reception with Industry Exhibitors

6.30pm – 9.00pm: Welcome Night Event

Wednesday 14 November 2012

9.00 am – 4.00 pm: National Convention & Industry Exhibition

4.30pm – 5:30pm: AAA Annual General Meeting

AAA National Airport Industry Awards 2012 & Gala Dinner

Evening 7.00pm for 7.30pm

Thursday 15 November 2012

8.15am – 9.00am: Registration

9.00am – 5.00pm: Technical Workshop & Industry Exhibition

5.15pm – 6.30pm: Networking Reception

Friday 16 November 2011

9.00am – 3.45pm: Technical Workshop

The final program for the convention and workshops has not been distributed at the time of drafting this document. Upon receipt of this program and the topics and content of the various workshops have been analysed a decision will be made whether a shire representative should attend the workshops.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY/STRATEGIC PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Allowance has been made for three nominated individuals to attend the Conference and Gala Evening; one person to attend the Technical Workshops if applicable; and one representative to the RICM.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

1. **THAT Council identifies and authorises three representatives to attend the 2012 AAA Convention, AGM and Gala Evening over period 13 and 14 November 2012.**
2. **THAT Council authorises the CEO to nominate a representative to attend the Technical Workshops over period 15 and 16 November 2012.**
3. **THAT Council authorises the CEO to nominate a representative to attend the RICM in Melbourne once a firm date has been established.**

**9.3.3 PROPOSED RESIDENTIAL DWELLING WITH SUPPLEMENTARY
ACCOMMODATION - LOT 113 HOMESTEAD RAMBLE, NEWMAN**

File No: A701587
Attachments: [Lot 113 Homestead.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 24 Homestead Ramble, Newman
Name of Applicant: RPS on behalf of Questus Capital Solutions
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

An application for planning approval has been received from the applicant proposing a Single Dwelling incorporating Supplementary Accommodation which is being developed under the National Rental Affordability Scheme (NRAS). Council has previously been presented with information relating to NRAS as presented by Questus Capital Solutions and subsequently, prepared Local Planning Policy No. 7 relating to the use and development of Ancillary Accommodation for use by persons unrelated to the primary household. However, given that the subject Policy proposes to vary the provisions of the Residential Design Codes by allowing the use of Ancillary Accommodation for persons other than members of the primary households family, it is required that such Policy be referred to and approved by the Western Australian Planning Commission (WAPC).

The subject policy and the content therein was not referred to the WAPC after preparation and is therefore unable to be applied for use in considering development applications. Furthermore it is noted that due to the subject nature and content of such policy, it would not be approved for use by the WAPC. Subsequently, the proponent was advised that Council may consider an application of such nature as a 'use not listed' and assessed using the provisions of the draft revision of the Residential Design Codes relating to Supplementary Accommodation. However, it is considered appropriate to assess development in accordance with both the draft R-Codes and the Policy prepared by Council with due regard given to the development requirements.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

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

- Lot is not less than 450m²;
- Open space requirements of Table 1 are met;
- Maximum floor area of 70m²;
- Additional parking provided; and
- Adequate privacy afforded to each dwelling provided

The subject lot has a total size of 661m² which conforms to the designated R-Code density of R15 and as such, achieves the minimum required site area required for such development as noted above. The subject lot also falls within the Masterplan for the East Newman subdivision which was prepared by Landcorp and adopted by Council. The subject lot is designated as being limited to single residential on such plan.

In relation to the Policy prepared by Council, it was a stated intent of such policy that the streetscape is to be retained by limiting the appearance of such developments to that which reflect a single house. This is increasingly important for the East Newman subdivision given that the Masterplan denotes the majority of lots as single residential. The proposed development has been designed in such a way that there will be two (2) front doors addressing the street which reflects more of a grouped/duplex development and therefore is not in keeping with the intent and direction of Council. It is therefore recommended that suitable condition(s) be imposed to ensure that the access is from the side or rear and/or an alternative design subject to approval.

Also noted in the list above is the requirement to afford privacy to both proposed living areas. On review of the plans, it is noted that the alfresco area for the Supplementary Accommodation is at the front of the house and adjacent to the carport. This does not afford sufficient privacy as such area is visible from the street and is not screened therefore giving no separation between such area and the carport. It would therefore be considered appropriate to condition such development to ensure that the Alfresco is screened from view and/or moved to an alternative location to the side of the proposed development.

Aside from the above mentioned issues, the proposal generally complies with all other aspects of the Residential Design Codes in addition to the applicant providing evidence of approval from Landcorp with regards to the East Newman Design Guidelines.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the proposed Residential Dwelling incorporating Supplementary Accommodation at Lot 113 Homestead Ramble, Newman subject to the following conditions:

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 2. Access to the Supplementary Accommodation shall be from the side or rear of the proposed development or such other alternative subject to the approval of the Manager Development Services – Planning;**
- 3. One (1) additional car parking space shall be provided in addition to the minimum required for single residential development;**
- 4. Outdoor Living provided for the Residential Dwelling shall be in accordance with Table 1 of the Residential Design Codes in addition to a sufficient area being provided to the Supplementary Accommodation and such areas shall be private to both the Dwelling and Supplementary Accommodation;**
- 5. Alfresco 2 as shown on the submitted plans shall be appropriately screened and/or relocated to the side of the proposed development to ensure privacy is allowed for the use of such area by the occupant(s) of the Supplementary Accommodation;**
- 6. Fencing to the front boundary is not permitted and all other fencing within the primary street setback area shall be in accordance with the Residential Design Codes.**

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**9.3.4 PROPOSED SUBDIVISION - LOT 511 GREAT NORTHERN HIGHWAY,
NEWMAN**

File No: A700968
Attachments: [511 GNH Subdivision Plan.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Lot 511 - Corner of Kalgan Drive and Great
Northern Highway
Name of Applicant: Urban and Rural Perspectives
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required with regards to a referral request from the Western Australian Planning Commission relating to the proposed subdivision of Lot 511 Great Northern Highway, Newman.

BACKGROUND

A request has been received seeking Council's comments with regards to the proposed subdivision of the subject lot. Previously Council considered and supported an application for a Survey-Strata development in mid 2011, however since that approval the land has changed ownership which has brought about a new direction in the development of the subject lot.

The proposal under consideration is for the development of the subject lot as a complete green title development comprising of a total of 244 lots. Within the 244 lots, the composition is as follows:

R20 (average 450m ²)	-	11
R30 (average 287m ²)	-	161
R40 (average 203m ²)	-	50
R40 Grouped/Multiple dwelling lots (average 990m ²)	-	22

In addition to the residential lots proposed, there is a significant area of Public Open Space (POS) provided for in the proposed subdivision. The majority of this POS is provided as a central corridor therefore creating a central focal point for the immediate area. Other such areas have been provided to create an entry statement to the subject area. There is also a large portion of land dedicated for drainage purposes which has been designed to connect into the existing and proposed corridors of the Landcorp East Newman estate and therefore into the greater Newman drainage system.

COMMENTS/OPTIONS/DISCUSSIONS

Town Planning Scheme No. 4:

The subject site is zoned Residential R15/40 under Town Planning Scheme No. 4 of which the objectives of such zone include the development of residential lots at a range of densities and allowing for the provision of a variety of housing types. Additionally, the Scheme provides that the base density code of R15 shall apply unless there is a connection to reticulated deep sewer and development is consistent with Council Residential Development Policy. The subject site has access to sewer as well as being identified within the Residential Development Policy area as being suitable for development at the higher density.

Generally, the proposed subdivision complies with the provisions of Town Planning Scheme No. 4.

Local Planning Strategy:

The subject site is noted on the Local Planning Strategy as a future urban expansion area in conjunction with the entire East Newman precinct. Development of the subject lot is therefore consistent with the Local Planning Strategy.

Newman Revitalisation Plan:

The Townsite Growth Plan identifies the subject lot as being for the purposes of single low to medium density housing. However, the proposal sees a majority of the subject site being developed as medium density and some high density. Although the proposal is not entirely consistent with the growth plan, it is suggested that the proposal is responding to current demands and trends by way of providing smaller single residential lots involving less maintenance. Additionally, the provision of the high density lots will allow for the provision of a variety of housing types as reflected in the objectives of the Residential zone.

Furthermore, given that the revision of the growth plan has commenced through Landcorp and Pilbara Cities, it is expected that the review will accordingly address housing densities and it is suggested that medium density will play a greater role in achieving Newman's economic and strategic growth plans.

Liveable Neighbourhoods:

The proposed development, in particular the movement network, has been designed generally in accordance with the principles of Liveable Neighbourhoods by providing a planned network of both 12 and 15 metre wide road reserves capable of providing pavement widths between 6 and 7.5 metres and the inclusion of dual use paths for cyclists and pedestrians. Typical conditions will be recommended enforcing the provisions of paths and the construction of roads accordingly.

Essential Services:

The subject site is located adjacent to the existing Landcorp development site and therefore has access to both the reticulated water and deep sewer services. As per standard practice, power will need to be sourced from the BHPB supply network which will be subject to agreement between the developer and BHPB.

Conclusion:

Based on the current demand for housing blocks within the Newman townsite in addition to the extreme shortage of land supply, an additional 244 lots will help to ease the pressure on the housing market, if even slightly making a difference.

Furthermore, the proposal is generally consistent with the Council's Town Planning framework in addition to greater strategic plans on the State level. It is therefore suggested that Council advise the Western Australian Planning Commission that it supports the proposed subdivision subject to certain development conditions being imposed.

STATUTORY IMPLICATIONS/REQUIREMENTS

In accordance with Section 142 of the Planning and Development Act 2005, the Western Australian Planning Commission (WAPC) is to refer to the Local Government a copy of subdivision proposals within its district(s) and allow 42 days within which to make a comment on such proposal. Council comment period ends on 31 August and Council's comments resulting from the meeting will be forwarded to WAPC before such date.

POLICY IMPLICATIONS

Technical Services – New Development Road Reserves.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advise the Western Australian Planning Commission that it supports proposed WAPC application 146449 at Lot 511 Great Northern Highway, Newman subject to the following conditions:

- 1. Those lot(s) not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owners cost;**
- 2. A detailed plan detailing the provision and design of dual use path/cycleway(s) to the specifications of the local government is to be submitted prior to the commencement of subdivision works and the dual use path/cycleway(s) being constructed in accordance with such plan at the applicant/owners cost;**
- 3. Street corners within the proposed subdivision being truncated to the satisfaction of the local government;**
- 4. The applicant/owner preparing and implementing a landscaping and noise mitigation plan to the satisfaction of the local government and Main Roads WA for the area abutting Great Northern Highway and such plan shall be submitted prior to the commencement of subdivision works;**
- 5. Street lighting to be installed on all new subdivisional roads to the satisfaction of the local government;**
- 6. Suitable arrangements being made with the Water Corporation so that the provision of a suitable water supply service will be available to the lot(s) shown on the approved plan of subdivision;**
- 7. Suitable arrangements being made with the Water Corporation so that the provision of a sewerage service will be available to the lot(s) shown on the approved plan of subdivision;**
- 8. An Urban Water Management Plan shall be prepared prior to construction and such plan shall identify suitable arrangements being made for the connection of the land to the comprehensive district drainage system at the applicant/owners cost and such drainage system being prepared and implemented in accordance with the Better Urban Water Management guidelines;**
- 9. Drainage easements as may be required by the local government for drainage infrastructure being shown on the deposited plan as such and granted free of cost and vested in the local government under section 167 of the Planning and Development Act 2005;**
- 10. The land being graded and stabilised;**
- 11. The provision of on street parking embayment(s) within the proposed Public Open Space and Drainage corridors being provided in accordance with the proposed plan of subdivision and to the satisfaction of the local government;**

12. An area(s) of land being at least 10% of the developable area being provided as Public Open Space and such area(s) being shown on the deposited plan as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act 2005, and such land being ceded free of cost;
13. The area(s) approved as Public Open Space as shown on the Deposited Plan being developed by the applicant/owner to a minimum standard as specified by the local government and maintained for a minimum period of two (2) consecutive years and such landscaping being in accordance with Liveable Neighbourhoods and to the satisfaction of the local government.

Advice Notes:

1. Construction shall not commence until such time that the Shire of East Pilbara has approved detailed engineering plans and specifications including (but not limited to):
 - a. Earthworks;
 - b. Roads
 - c. Pedestrian/cycleway(s);
 - d. Drainage;
 - e. Clearing;
 - f. Dust management/stabilisation;
 - g. Landscaping and rehabilitation;
2. "As-constructed" drawings detailing variations from the approved drawings shall be submitted to the Shire prior to the provision of subdivision clearance.

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9.3.5 RESIDENTIAL DEVELOPMENT POLICY REVIEW

File No:	PLN-2-1
Attachments:	Draft LPP 8 - Residential Development Policy-1.pdf
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Adam Majid Manager Development Services - Planning
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

Council's consideration is required for the review and proposed amendments to the draft Interim Residential Development Policy previously prepared and considered by Council.

BACKGROUND

In July 2007 Council resolved to advertise the draft Interim Residential Development Policy in accordance with Town Planning Scheme No. 4 for public comment. An advertisement was subsequently placed in the North West Telegraph in August 2007 and submissions were received regarding the draft policy. These submissions were presented to Council in September 2007 with an officer recommendation requesting final approval of the draft policy. However, Council resolved not to adopt such policy until such time that further public consultation was undertaken. It is unclear from the minutes as to why this happened. It is now apparent that the draft policy was never further advertised and as a result, not formally adopted by Council even though the policy has been used by Council in recent years to guide its decisions relating to residential development.

Due to the increasing demand on housing and the relatively high prices in Newman, it is necessary for Council to now reconsider and affirm its position with regards to residential development and the use of the dual density code implemented as part of Town Planning Scheme No. 4 to control and guide development within the Newman Townsite.

COMMENTS/OPTIONS/DISCUSSIONS

Attached for reference is a copy of the previous draft policy with the inclusion of the proposed changes clearly identifying the change in direction of the policy content. Previously, the draft policy took the direction that the use of the higher density code should only be applied within the designated areas as depicted on the map forming part of the policy. Ultimately, this direction placed limitations on the ability of the town to significantly grow and provide more housing numbers to the Newman market.

More recently however, Council has approved the redevelopment of lots both within and outside the suggested areas of the previous draft policy which has seen a significant amount of new housing products introduced to the market. Furthermore, there are now increasing numbers of applications being received for the development of single bedroom dwellings in Multiple Dwelling formats. It is perceived that this type of development is being used as a quick fix to the housing shortage and as also being a high rental investment return by developers who build/purchase such dwelling types. Although it may be serving a proportion of the existing shortage, it leaves the future of the townsite under a cloud as to the availability of a variety of housing types.

The inherent strategic issue with the increased provision of single bedroom dwelling types is that the direction of the town is to be a diverse community of 15,000 people as identified in the Newman Revitalisation Plan, however, in order to achieve the diverse component, there needs to be a variety of dwelling types available for the population to be suitably catered. Furthermore, Newman is touted as being a planned sub-regional centre designed as a town to “live, work and invest” and therefore, to achieve this reinforces Council’s requirement to affirm its position with regards to the residential development of Newman.

In achieving its direction, it is proposed that the policy be amended by implementing the following key changes:

- Rather than restricting where development can be undertaken, the amendments allow for all R15/40 residential zoned land to be developable;
- Limit the development of Multiple Dwellings to those areas adjoining the town centre which will help to emphasise the strategic direction of the town centre and create a housing choice which can potentially reduce the demand on services while also reducing the reliance on vehicles – development close to town centre encourages walkability and potentially enhancing the social enjoyment of such areas;
- Encourage the redevelopment of housing stock to provide a variety of single residential dwelling formats in those areas away from the town centre to reinforce its suitability for families and young couples who require greater housing space yet providing cost effective low maintenance lot sizes;
- Protecting the streetscape in those areas away from the town centre so that such areas maintain a community amenity without developments producing a dominance and overshadowing the streetscape.

Overall, the amendments proposed to the draft policy allow for the coherent development direction of the Newman townsite which provides depth and support to the town centre while also achieving a destination that will be able to offer a variety of housing types to achieve a diverse population and allow the town to move on from the prevalence of FIFO.

STATUTORY IMPLICATIONS/REQUIREMENTS

Under Clause 5.7.1, Council has the ability to prepare a Residential Policy which allows Council to guide the use of the dual density code to ensure that Newman develops at a scale that will be for the betterment of the community and the long term viability of the town.

It is proposed that the Policy be adopted as a Local Planning Policy in accordance with Part 2 of the Town Planning Scheme. Local Planning Policies are to be used in guiding Council decisions and this approach is consistent with Clause 5.7.1 which allows for the implementation of a Residential Policy for the specific purpose of controlling the dual density code.

Should Council resolve to support the Policy, it will need to be advertised in accordance with Clause 2.4.1 of the Town Planning Scheme and subsequently any submissions being considered and then the policy being adopted with or without modification.

POLICY IMPLICATIONS

Preparation and adoption of a Residential Development Policy will provide support to objectives contained within the Newman Revitalisation Plan as adopted by Council.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

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

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

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

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council in accordance with Clause 2.4.1 of Town Planning Scheme No. 4 resolves to prepare Local Planning Policy No. 8 – Residential Development Policy as prescribed by Clause 5.7.1 of Town Planning Scheme No. 4 and undertake the following procedures:

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

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**9.3.6 PROPOSED RESIDENTIAL DWELLING WITH SUPPLEMENTARY
ACCOMMODATION - LOT 118 HOMESTEAD RAMBLE, NEWMAN**

File No: A701595
Attachments: [Lot 118 Homestead.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 37 Homestead Ramble, Newman
Name of Applicant: RPS on behalf of Questus Capital Solutions
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

An application for planning approval has been received from the applicant proposing a Single Dwelling incorporating Supplementary Accommodation which is being developed under the National Rental Affordability Scheme (NRAS). Council has previously been presented with information relating to NRAS as presented by Questus Capital Solutions and subsequently, prepared Local Planning Policy No. 7 relating to the use and development of Ancillary Accommodation for use by persons unrelated to the primary household. However, given that the subject Policy proposes to vary the provisions of the Residential Design Codes by allowing the use of Ancillary Accommodation for persons other than members of the primary households family, it is required that such Policy be referred to and approved by the Western Australian Planning Commission (WAPC).

The subject policy and the content therein was not referred to the WAPC after preparation and is therefore unable to be applied for use in considering development applications. Furthermore it is noted that due to the subject nature and content of such policy, it would not be approved for use by the WAPC. Subsequently, the proponent was advised that Council may consider an application of such nature as a 'use not listed' and assessed using the provisions of the draft revision of the Residential Design Codes relating to Supplementary Accommodation. However, it is considered appropriate to assess development in accordance with both the draft R-Codes and the Policy prepared by Council with due regard given to the development requirements.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

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

- Lot is not less than 450m²;
- Open space requirements of Table 1 are met;
- Maximum floor area of 70m²;
- Additional parking provided; and
- Adequate privacy afforded to each dwelling provided

The subject lot has a total size of 672m² which conforms to the designated R-Code density of R15 and as such, achieves the minimum required site area required for such development as noted above. The subject lot also falls within the Masterplan for the East Newman subdivision which was prepared by Landcorp and adopted by Council. The subject lot is designated as being limited to single residential on such plan.

In relation to the Policy prepared by Council, it was a stated intent of such policy that the streetscape is to be retained by limiting the appearance of such developments to that which reflect a single house. This is increasingly important for the East Newman subdivision given that the Masterplan denotes the majority of lots as single residential. The proposed development achieves the appearance of a single dwelling through the strategic placement of the entry doors to both the dwelling and supplementary accommodation therefore being consistent with such development requirements.

Also noted in the list above is the requirement to afford privacy to both proposed living areas. On review of the plans, it is noted that the Alfresco 2 area for the Supplementary Accommodation extends along the side of the building so that a portion of it is adjacent to bedroom 1 of the proposed dwelling. This does not afford sufficient privacy as use of such alfresco area will impact on the privacy of bedroom 1. It would therefore be considered appropriate to condition such development so that Alfresco 2 is relocated and or shortened in length.

Aside from the above mentioned issue, the proposal generally complies with all other aspects of the Residential Design Codes in addition to the applicant providing evidence of approval from Landcorp with regards to the East Newman Design Guidelines.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

is consistent with zone objectives. Furthermore, the applicant may apply for the review of a Council decision at the State Administrative Tribunal.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the proposed Residential Dwelling incorporating Supplementary Accommodation at Lot 118 Homestead Ramble, Newman subject to the following conditions:

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 2. One (1) additional car parking space shall be provided in addition to the minimum required for single residential development;**
- 3. Outdoor Living provided for the Residential Dwelling shall be in accordance with Table 1 of the Residential Design Codes in addition to a sufficient area being provided to the Supplementary Accommodation and such areas shall be private to both the Dwelling and Supplementary Accommodation;**
- 4. Alfresco 2 as shown on the submitted plans shall be appropriately amended and/or relocated such that the use and enjoyment of such Alfresco does not impact on the privacy of Bedroom 1 of the Residential Dwelling.**
- 5. Fencing to the front boundary is not permitted and all other fencing within the primary street setback area shall be in accordance with the Residential Design Codes.**

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**9.3.7 PROPOSED RESIDENTIAL DWELLING WITH SUPPLEMENTARY
ACCOMMODATION - LOT 53 DANIELS DRIVE, NEWMAN**

File No: A701599
Attachments: [Lot 53 Daniels.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 17 Daniels Drive, Newman
Name of Applicant: RPS on behalf of Questus Capital Solutions
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

An application for planning approval has been received from the applicant proposing a Single Dwelling incorporating Supplementary Accommodation which is being developed under the National Rental Affordability Scheme (NRAS). Council has previously been presented with information relating to NRAS as presented by Questus Capital Solutions and subsequently, prepared Local Planning Policy No. 7 relating to the use and development of Ancillary Accommodation for use by persons unrelated to the primary household. However, given that the subject Policy proposes to vary the provisions of the Residential Design Codes by allowing the use of Ancillary Accommodation for persons other than members of the primary households family, it is required that such Policy be referred to and approved by the Western Australian Planning Commission (WAPC).

The subject policy and the content therein was not referred to the WAPC after preparation and is therefore unable to be applied for use in considering development applications. Furthermore it is noted that due to the subject nature and content of such policy, it would not be approved for use by the WAPC. Subsequently, the proponent was advised that Council may consider an application of such nature as a 'use not listed' and assessed using the provisions of the draft revision of the Residential Design Codes relating to Supplementary Accommodation. However, it is considered appropriate to assess development in accordance with both the draft R-Codes and the Policy prepared by Council with due regard given to the development requirements.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

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

- Lot is not less than 450m²;
- Open space requirements of Table 1 are met;
- Maximum floor area of 70m²;
- Additional parking provided; and
- Adequate privacy afforded to each dwelling provided.

In addition to the above requirements, all residential development is to comply with all other acceptable development requirements of the R-Codes. In considering the proposed application it is noted that the subject site is zoned Residential R15/40 and is subject to compliance with the adopted Masterplan for the East Newman development undertaken by Landcorp. In assessing the specific site, it is noted that the resulting R-Coding is approximately R20 based on the lot size being 444m². Given that the subject lot is below the required 450m², it is deemed that the proposal does not comply; however, the non-compliance is considered minor and would therefore be appropriate to vary such requirement.

All other aspects as listed above have been achieved by the applicant and proponent therefore the proposal generally complies with such development provisions. However, in considering the policy prepared by Council, it is noted of the desire to maintain the presence of a single residential streetscape by limiting access to this sort of accommodation to the rear. The proposal is for both residential areas to be accessed from the front via two front doors which is contrary to the policy provision. The applicant has stated in their submission the presentation of the two front doors provides for a harmonious image to the streetscape, however, on assessment of the plans it presents an image of a grouped dwelling/duplex which is not the intent of the specific area.

Given that East Newman was specifically developed for single residential unless specifically approved as grouped dwelling on the adopted Masterplan, it is considered appropriate to maintain a streetscape which reflects such direction. It is therefore considered appropriate for conditions to be imposed to restrict the main access to the Supplementary Accommodation to the rear or where appropriate, the side unless the applicant can demonstrate otherwise.

Generally, the proposal complies with all other aspects of the Residential Design Codes in addition to the applicant providing evidence of approval from Landcorp with regards to the East Newman Design Guidelines.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

Furthermore, the applicant may apply for the review of a Council decision at the State Administrative Tribunal.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the proposed Residential Dwelling incorporating Supplementary Accommodation at Lot 53 Daniels Drive, Newman subject to the following conditions:

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

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**9.3.8 PROPOSED RESIDENTIAL DWELLING WITH SUPPLEMENTARY
ACCOMMODATION - LOT 55 DANIELS DRIVE, NEWMAN**

File No: A701597
Attachments: [Lot 55 Daniels.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 13 Daniels Drive, Newman
Name of Applicant: RPS
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

An application for planning approval has been received from the applicant proposing a Single Dwelling incorporating Supplementary Accommodation which is being developed under the National Rental Affordability Scheme (NRAS). Council has previously been presented with information relating to NRAS as presented by Questus Capital Solutions and subsequently, prepared Local Planning Policy No. 7 relating to the use and development of Ancillary Accommodation for use by persons unrelated to the primary household. However, given that the subject Policy proposes to vary the provisions of the Residential Design Codes by allowing the use of Ancillary Accommodation for persons other than members of the primary households family, it is required that such Policy be referred to and approved by the Western Australian Planning Commission (WAPC).

The subject policy and the content therein was not referred to the WAPC after preparation and is therefore unable to be applied for use in considering development applications. Furthermore it is noted that due to the subject nature and content of such policy, it would not be approved for use by the WAPC. Subsequently, the proponent was advised that Council may consider an application of such nature as a 'use not listed' and assessed using the provisions of the draft revision of the Residential Design Codes relating to Supplementary Accommodation. However, it is considered appropriate to assess development in accordance with both the draft R-Codes and the Policy prepared by Council with due regard given to the development requirements.

COMMENTS/OPTIONS/DISCUSSIONS

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

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

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

- Lot is not less than 450m²;
- Open space requirements of Table 1 are met;
- Maximum floor area of 70m²;
- Additional parking provided; and
- Adequate privacy afforded to each dwelling provided.

In addition to the above requirements, all residential development is to comply with all other acceptable development requirements of the R-Codes. In considering the proposed application it is noted that the subject site is zoned Residential R15/40 and is subject to compliance with the adopted Masterplan for the East Newman development undertaken by Landcorp. In assessing the specific site, it is noted that the resulting R-Coding is approximately R20 based on the lot size being 444m². Given that the subject lot is below the required 450m², it is deemed that the proposal does not comply; however, the non-compliance is considered minor and would therefore be appropriate to vary such requirement.

All other aspects as listed above have been achieved by the applicant and proponent therefore the proposal generally complies with such development provisions. However, in considering the policy prepared by Council, it is noted of the desire to maintain the presence of a single residential streetscape by limiting access to this sort of accommodation to the rear. The proposal is for both residential areas to be accessed from the front via two front doors which is contrary to the policy provision. The applicant has stated in their submission the presentation of the two front doors provides for a harmonious image to the streetscape, however, on assessment of the plans it presents an image of a grouped dwelling/duplex which is not the intent of the specific area.

Given that East Newman was specifically developed for single residential unless specifically approved as grouped dwelling on the adopted Masterplan, it is considered appropriate to maintain a streetscape which reflects such direction. It is therefore considered appropriate for conditions to be imposed to restrict the main access to the Supplementary Accommodation to the rear or where appropriate, the side unless the applicant can demonstrate otherwise.

Generally, the proposal complies with all other aspects of the Residential Design Codes in addition to the applicant providing evidence of approval from Landcorp with regards to the East Newman Design Guidelines.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

Furthermore, the applicant may apply for the review of a Council decision at the State Administrative Tribunal.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the proposed Residential Dwelling incorporating Supplementary Accommodation at Lot 55 Daniels Drive, Newman subject to the following conditions:

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

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9.3.9 PROPOSED DRIVE THROUGH COFFEE SHOP - LOT 1419 FORTESCUE AVENUE, NEWMAN

File No: A402221
Attachments: [Drive through coffee shop.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Newman Visitors Centre
Name of Applicant: Whelans
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for a proposed drive through coffee shop which is proposed at the Visitors Centre on Fortescue Avenue, Newman.

BACKGROUND

An application for planning approval has been received which proposes the development of a prefabricated drive through coffee shop at the Newman Visitors Centre. The proposal is presented as part of the overall upgrade to the site which involves the rearrangement of the equipment museum to allow for the installation of the previously approved tourist cabins.

The proposal is for a two way service shop meaning that customers will be served from both sides of the proposed building. It is perceived that this method is used to reduce waiting times and reduce traffic congestion.

The subject site is a Reserve vested to the Shire for the stated purpose of "Tourist Information Centre and Museum and Short Stay Accommodation". It is currently leased solely to the Visitors Centre who have expressed their support of the proposed development.

The site is zoned a Reserve for Parks and Recreation under Town Planning Scheme No. 4.

COMMENTS/OPTIONS/DISCUSSIONS

As the subject site is a Reserve with Management Orders (as stated above) any development carried out on the site must be consistent with the Management Orders. Advice has been obtained from State Land Services who have advised that they accept the proposal to be consistent with the Management Orders.

Given that the subject site is leased to the Visitors Centre, arrangements will need to be made as to whether the sub-lease to the drive through coffee shop will be undertaken by the Visitors Centre or will be a direct lease from Council. If the earlier

option is undertaken this may affect the contributions which Council gives on an annual basis towards the management/upkeep of the site. In either case, if approval were to be granted it would be recommended that conditions be imposed to ensure lease arrangements are undertaken prior to the issue of a Building Permit.

With regards to permissibility under the Town Planning Scheme, Council must give approval for any development/use of Reserved land as prescribed by Part 3 of Town Planning Scheme No. 4. In considering the proposal, it is perceived that the proposed use is complimentary to the activities currently undertaken on site and can therefore be consistent with the purpose and intent of the subject land.

In considering the proposed development, it is evident that little thought has been given to the impacts of the proposal on the parking and general traffic movements on site. It is therefore suggested that appropriate traffic studies be undertaken and the requirements for a formal traffic management plan to be prepared, submitted and approved by Council prior to the issue of a Building Permit to ensure that such use will not create traffic difficulties to the site and its surrounds. Further conditions to be considered involve the connection of the proposed development to essential services at the applicants cost.

Generally, the proposal is consistent with the Management Orders of the Reserve and the Town Planning Scheme. It is therefore recommended that council approve the proposal subject to conditions.

STATUTORY IMPLICATIONS/REQUIREMENTS

In relation to development on Reserves, Council must not grant permission for developments to be undertaken without ensuring that such proposals are consistent with the purpose(s) and intent of such Reserve. As detailed earlier, it is deemed that the proposal is consistent with the Management Orders and Town Planning Scheme.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Not applicable.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council Approve the proposed Drive Through Coffee Shop at Lot 1419 (Reserve 42127) Fortescue Avenue, Newman subject to the following conditions:

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;**

- 2. Prior to the issue of a Building Permit, lease arrangements are to be entered into and agreed to subject to final approval from the Minister of Lands;**
- 3. Prior to the issue of a Building Permit, a Traffic Management Plan shall be prepared, submitted and approved by the Director Technical and Development Services. The plan shall include (but not limited to):**
 - a. Access to and from the site;**
 - b. Traffic Flows; and**
 - c. Impact on Parking.**
- 4. Suitable arrangements being made for the connection of the proposed development to nearby/existing Water, Power and Sewer services to the satisfaction of the responsible service providers and to the satisfaction of the Manager Development Services – Planning;**
- 5. Details of any proposed signage not forming part of this application shall be submitted to Council on the required forms as prescribed under Town Planning Scheme No. 4 and shall be subject to approval from the Manager Development services – Planning.**

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- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL**
- 12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**
28 September 2012
- 15 CLOSURE**